

# **COUNCIL BUSINESS COMMITTEE**

## **Constitution – Public Speaking at Council Meetings**

**13 September 2012**

### **Report of the Democratic Services Manager**

#### **PURPOSE OF REPORT**

To consider amending the required deadlines, set out in Council Procedure Rule 14, for members of the public to submit a request to address a Council meeting.

**This report is public**

#### **RECOMMENDATION**

- (1) **That the Committee considers the options set out in this report for amending the deadline for the public to submit a request to address Council.**

#### **1.0 Introduction**

- 1.1 A Member has raised a particular issue regarding the rules around members of the public addressing full Council meetings. These are detailed in Council Procedure Rule 14 which deals with the Presentation of Petitions and Hearings of Addresses by the Public. Rule 14.3 clearly states that any person wishing to address Council must give notice and show the address to the Chief Executive at least seven working days before the Council meeting. However, the agenda for the Council meeting is required to be published no later than five working days before the meeting.

- 1.2 The Member is concerned that the current deadline and agenda publication date make it impossible for a member of the public to register to address Council about a particular item they have seen on the Council agenda.

#### **2.0 Background – Public Speaking at Cabinet and Council**

- 2.1 The Council has operated a public participation scheme at Council meetings for some time. Details of the process are available on the Council's website along with a leaflet about speaking at Council meetings. A copy of the leaflet is attached for Members' information at Appendix A.
- 2.2 The Council also allows public speaking at Cabinet meetings and the two schemes are intended to complement each other. The aim of the public speaking at Cabinet scheme is to allow members of the public to have a say on issues being debated by Cabinet. The rules were therefore constructed to allow the public to speak on a particular agenda item. The timeframe easily allows for this,

since the Cabinet agenda is usually published seven clear working days before the meeting is held, to be available for a Cabinet briefing session in advance of the meeting. The agenda is in the public domain for several days before the deadline to register, which is noon on the Thursday before the Tuesday meeting.

- 2.3 The aim of the public participation scheme at full Council meetings is to give members of the public the opportunity to raise issues of concern in the Lancaster District. The rules allow for any Local Government Elector or Council Tax Payer in Lancaster district to present a petition or address which affects the district or inhabitants or relates to the Council's functions. The topic they wish to speak about does not have to be on the agenda.
- 2.4 However, on several occasions that the Democratic Services Manager is aware of, members of the public have tried to register to speak at Council meetings about specific agenda items and have been unhappy to learn that the deadline had passed before the agenda was published. Most recently, one described this as an "undemocratic arrangement".
- 2.5 The deadline for asking a question at Council is much later, midday three days before the Council meeting, and members of the public are always informed of this in case they wish to ask a question in place of an address. However, this can result in the member of the public using the two minute question time to make a short address, which is not the purpose of public questions at Council.
- 2.6 The agenda for Council meetings is published at least five clear working days before the meeting and, in practice, this is normally the Monday or Tuesday of the week before the Wednesday meeting. It would be possible to amend the deadline to match the deadline for the submission of questions for Council, which is normally noon on the Friday before the meeting. This would allow two or three days for any member of the public to see an item on the agenda and request to speak about it.

### 3.0 Proposal

- 3.1 Members are asked to consider whether the timescales for submitting a request to address Council should be changed to allow members of the public to view the agenda before submitting their request.

### 4.0 Options and Options Analysis (including risk assessment)

- 4.1 The options open to the Committee are:-

	<b>Option 1:</b> Not to change the current deadline for submitting a request to address Council. This is stated in the Constitution as "at least seven days before the meeting."	<b>Option 2:</b> To change the deadline for submitting a request to address Council to "no later than midday three days before the day of the meeting" (to match the current deadline for submission of questions from the public).
Advantages	Retains the distinction between the aims of the public speaking	Members of the public will be able to view the agenda before deciding

	<p>schemes in place at Cabinet and at Council, should Members feel strongly that this is desirable.</p> <p>Some other minor advantages - this option won't require updating of Constitution, website, leaflet for the public, etc.</p>	<p>whether to request to speak. This may result in increased public participation/attendance at Council meetings.</p>
Disadvantages	<p>This option does not address the concerns expressed by the public or the Member who asked for this report to be drafted. Clearly, they feel that the agenda should be available for the public to read before deciding whether they wish to speak to Council and the deadline could be changed to accommodate that.</p>	<p>The public will only have a relatively short window of opportunity to register to speak and to write and submit their address to the Chief Executive. The agenda is normally published on Tuesdays and they would need to submit their request and a draft of their address by noon on Friday.</p> <p>Small amount of work involved in updating the Constitution, website, leaflet for the public, etc.</p>
Risks	<p>Reputational risk. The Council introduced a public speaking scheme to encourage the public to participate in meetings and the deadlines do not appear to fit with public expectation.</p> <p>Members of the public may continue to misuse the 'questions' facility to 'address' Council for two minutes before posing a question.</p>	<p>None identified. If extending the deadline were to result in an increase in public speakers, Members may wish to consider imposing a limit on the number of speakers to be heard at one meeting. For example, Cabinet currently limit to a maximum of 10 speakers, in order of registration, at any one meeting.</p>

4.2 It is, of course, open to the Committee to discuss other possible deadlines and the Democratic Services Manager will be able to advise on the feasibility and practicalities of any of those suggestions at the meeting.

4.3 The matter is for the Committee to decide at this stage and there is no officer preferred option.

## 5.0 Conclusion

5.1 Members are asked to consider whether the timescales for the public to register to address Council should be extended to allow the public to view the agenda for the meeting before making a request to speak.

**RELATIONSHIP TO POLICY FRAMEWORK**

None.

**CONCLUSION OF IMPACT ASSESSMENT**

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

None.

**LEGAL IMPLICATIONS**

There are no legal implications as a result of this report.

**FINANCIAL IMPLICATIONS**

There are no financial implications as a result of this report.

**OTHER RESOURCE IMPLICATIONS****Human Resources:**

None.

**Information Services:**

None.

**Property:**

None.

**Open Spaces:**

None.

**SECTION 151 OFFICER'S COMMENTS**

The Section 151 Officer has been consulted and has no further comments.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no further comments.

**BACKGROUND PAPERS**

Constitution, Part 4, Section 1 and Public Speaking at Council/Cabinet leaflets published by Governance (Democratic Services).

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