

## STANDING ORDERS ON PUBLIC QUESTIONS

<b>Head of Service:</b>	Amardip Healy, Chief Legal Officer
<b>Wards affected:</b>	(All Wards);
<b>Urgent Decision?(yes/no)</b>	No
<b>If yes, reason urgent decision required:</b>	
<b>Appendices (attached):</b>	Appendix 1: Terms of Reference for Working Group

### Summary

Review of what public participation should like for the future in terms of Council and Committee Meetings.

### Recommendation (s)

**The Committee is asked to:**

- (1) note the recommendation of the Committee's Working Group:**
  - (a) not to change Standing Order CPR1.1;**
  - (b) to recommend a review of the role of public participation within the Council's Standing Orders;**
  - (c) to consider how public participation within the Standing Orders processes can be made more accessible and inclusive.**
- (2) agree for a Working Group to be set up to carry out a review of public participation Standing Orders and to make recommendations on any changes;**
- (3) to agree the terms of reference for the Working Group, set out at Appendix 1;**
- (4) agree the Committee's current Working Group be extended with an invitation to the Chairman of Audit, Crime & Disorder and Scrutiny Committee to nominate two members to sit on the Working Group.**

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### **1 Reason for Recommendation**

- 1.1 The Committee's Working Group has recommended a fundamental review of the Council's approach to public participation within Standing Orders.

### **2 Background**

- 2.1 In December 2018 Standing Orders were changed to only permit public questions sessions to deal with matters which were not agenda items for that meeting.
- 2.2 There is minimal use of public questions at meetings by the general public, however, when questions were being raised they were directed towards agenda items. This sometimes had the consequence of creating a challenging environment for decision making. Although this can be the case for Committees such as Planning Committee, it is unusual for this to be the case for strategic decision making committees such as Policy Committees. Inevitably, it sometimes left those who asked questions feeling they were not being heard. The issue of only being able to ask questions, when really what someone wanted to do was to make a statement or lobby, also added to the sense of frustration. There would also be a lack of balance in terms of those who may be interested in an agenda item. This would invariably leave a Committee hearing from only one side of a debate.
- 2.3 A request was made by a Council Member to reverse the changes to CPR1.1, which now prevents members of the public asking questions on items listed on a meeting's agenda, where public questions are permissible.
- 2.4 Following the meeting of Standard Committee on the 19 November 2019, it was agreed a Working Group would be set up to consider changes to Standing Orders around questions at Council and Committee Meetings. Following an unexpected Election in December 2019 and the Covid19 pandemic, the Working Group only met on the 7 September 2020. The Working Group was made up of the Chairman and Vice Chair of Standards Committee, Councillors Liz Frost and Hannah Dalton, along with Councillors Kate Chinn and Eber Kington.
- 2.5 As a result of Covid19, legislation and regulations enabled Councils to hold remote meetings. This change could have enabled more members of the public to actively engage with the Council's Committee processes, since they no longer needed to attend a meeting in person.
- 2.6 Up until the 12 August 2020, the breakdown of meetings and public viewing was as follows:

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Committee	Date	Public attendance
E&WD Conservators	12 May	20
Planning Committee	13 May	20
E&WD Conservators	22 May	5
Planning Committee	18 June	15 (inclusive of public speakers)
Nonsuch JMC	22 June	2
E&WD Conservators	22 June	2
S&R Committee	2 July	4
Planning Committee	9 July	71 (inclusive 5 public speakers)
Extraordinary Council	14 July	3
E&SC Committee	16 July	1
Council	21 July	6
Planning Committee	27 July	26 (inclusive of public speakers)
S&R Committee	28 July	1

- 2.7 The remote meetings of Planning Committee have dealt with a number of contentious planning applications. Holding them remotely, has allowed more members of the public to hear and see meetings, which otherwise may not have happened if the meetings were in person, due to the space restrictions of the Chamber. In terms of other Committees, the makeup of those viewing has tended to be of interested Council Officers and or Members, with very few members of the general public. To date, of all meetings held since the start of the current Municipal year, only one Policy Committee received a request to ask questions. This request related to an agenda item and therefore was refused.

### Recommendations of the Working Group

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- 2.8 The Working Group had a wide ranging discussion on the role and function of public questions within the current Standing Orders. They felt there were broader issues to be considered which they framed as follows:
- (a) how does the Council encourage those who live, work or are educated in the Borough, engage with Council/Committee meetings?
  - (b) how does the Council promote the opportunities of public participation particularly with those who may fall within the hard to reach groups.
- 2.9 The Working Group felt it was important to explore how the Council could encourage people to come and speak at Committee meetings. This could involve a move away from public questions at Committees to one where statements could be made, similar to the approach at Planning Committee.
- 2.10 As a result, the Working Group concluded that a fundamental review of Standing Orders around public access should be recommended rather than looking at single matters in isolation. For this reason they felt it best not to recommend any changes to CPR1.1, but instead to look at public participation more generally within the context of Standing Orders.
- 2.11 To enable proposals for change to be developed, the Committee are asked to set up a Member Working Group to report Standards Committee. The suggestion is to allow the current Working Group to continue, and to be extended so as to include two nominations from the Audit, Crime & Disorder and Scrutiny Committee. The purpose of nominations from the Scrutiny Committee is to enable a different perspective around governance.
- 2.12 A draft of the terms of reference are included at Appendix 1. They are broad so as to enable a wider discussion around what could support more effective public engagement and access. However, the remit is tied to the Council's Procedure Rules.
- 2.13 It is important to distinguish between public participation within Standing Orders and how the Council engages with the public in other matters. The latter is not within the scope of this report or of the work of Standards Committee.

### **3 Risk Assessment**

Legal or other duties

#### **3.1 Impact Assessment**

3.1.1 None arising from the contents of this report.

#### **3.2 Crime & Disorder**

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3.2.1 None arising from the contents of this report.

### 3.3 Safeguarding

3.3.1 None arising from the contents of this report.

### 3.4 Dependencies

3.4.1 None arising from the contents of this report.

### 3.5 Other

3.5.1 None arising from the contents of this report.

## 4 Financial Implications

4.1 None arising from the contents of this report.

4.2 **Section 151 Officer's comments:** None arising from the contents of this report.

## 5 Legal Implications

5.1 There are no legal implications arising from the contents of this report.

5.2 **Monitoring Officer's comments:** None arising from the contents of this report.

## 6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged: Effective Council.

6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan, but the updating of the Constitution remains an overarching priority.

6.3 **Climate & Environmental Impact of recommendations:** none arising from contents of this report.

6.4 **Sustainability Policy & Community Safety Implications:** none arising from contents of this report.

6.5 **Partnerships:** none arising from contents of this report.

## 7 Background papers

7.1 The documents referred to in compiling this report are as follows:

**Previous reports:**

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- Report to Standards Committee on the 19 November 2019 on changes to Part 4 of the Constitution

### **Other papers:**

- Working Group papers
- Part 4 Standing Orders