



**CABINET:  
10 SEPTEMBER 2019**

**EXECUTIVE OVERVIEW & SCRUTINY  
COMMITTEE:  
26 SEPTEMBER 2019**

**COUNCIL:  
16 OCTOBER 2019**

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**Report of: Borough Solicitor**

**Relevant Portfolio Holder: Councillor I Moran**

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**SUBJECT: PUBLIC SPEAKING PROTOCOL – REVIEW**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

1.1 To review the current 'Public Speaking – Protocol' for meetings of Cabinet, Overview & Scrutiny Committees, Audit & Governance Committee and Standards Committee (Constitution 14.1 – the "Protocol") and consider proposals for change recommended by the Corporate and Environmental Overview & Scrutiny Committee at its meeting held on 11 July 2019.

## **2.0 RECOMMENDATION TO CABINET AND EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE**

2.1 That the number of requests to speak, listed in paragraph 5 of the report, under the current 'Public Speaking – Protocol' for meetings of Cabinet, Overview & Scrutiny Committees, Audit & Governance Committee and Standards Committee (Constitution 14.1 – the "Protocol"), be noted.

2.2 That the recommendations of the Corporate and Environment Overview & Scrutiny Committee, set out in paragraph 6 below, suggesting revisions to the 'Protocol' attached at Appendix 1 to the report, be considered and comments be referred to Council in respect of the inclusion of the following:

- 1) Include reference to Parish Councils
- 2) Provide for a resident to be represented by a Borough Councillor
- 3) Provide for written representations to be considered without the need for the resident to attend

- 4) Extend public speaking to Council meetings and the meeting to commence at an earlier start time of 7.00pm in order to accommodate

### **3.0 RECOMMENDATIONS TO COUNCIL**

- 3.1 That the number of requests to speak, listed in paragraph 5 of the report, under the current 'Public Speaking – Protocol' for meetings of Cabinet, Overview & Scrutiny Committees, Audit & Governance Committee and Standards Committee (Constitution 14.1 – the "Protocol"), be noted.
- 3.2 That the recommendations of the Corporate and Environment Overview & Scrutiny Committee, set out in paragraph 6 below, suggesting revisions to the 'Protocol', attached at Appendix 1 to the report, be considered, taking in consideration the comments/recommendations referred from Cabinet at Appendix 3 and Executive Overview & Scrutiny Committee at Appendix 4 to the report.
- 3.2 That the Borough Solicitor be authorised, in consultation with the Leader, to amend the 'Protocol', following consideration of the recommendations referred to at paragraph 3.2 above, if required.

### **4.0 BACKGROUND**

- 4.1 The Public Involvement in Meetings Working Group established the 'Public Speaking – Protocol' for meetings of Cabinet, Overview & Scrutiny Committees, Audit & Governance Committee and Standards Committee (Constitution 14.1 – the "Protocol") as part of a task and finish review in 2015/16: “To consider extending public involvement at meetings, to create an open, transparent and democratic Council”. The Protocol was introduced in April 2016. Following the cessation of the Working Group, it was agreed that any future reviews of the protocol would be considered at Corporate & Environmental Overview & Scrutiny Committee, with any recommendations for changes being submitted to Cabinet and Council.
- 4.2 The Protocol was reviewed and amended at Council in December 2017 to allow public speaking at the commencement of the appropriate item on the agenda (rather than at the start of the meeting) and to extend the deadline for applications.

### **5.0 CURRENT POSITION**

- 5.1 Since the introduction of these arrangements the following requests to speak have been received:-

	<b>DATE</b>	<b>ITEM</b>
Cabinet	10 January 2017	Granville Park Conservation Area Review (1 request)
	9 January 2018	Funding of Voluntary & Other Organisations Working Group (Request withdrawn prior to the meeting)
	11 September 2018	The Local Plan Review – Proposed Options (2 requests)

	6 November 2018	Burscough Parish Neighbourhood Plan Submission Version (2 requests)
	11 June 2019	Called in item – Local Plan Request not published as it was considered inappropriate (1 request)
Corporate & Environmental O & S Committee	2 March 2017	Improved Planting (1 request)
Executive O&S Committee	28 March 2018	Called in Item – Local Plan (1 request)

5.2 There have been no requests to speak at the Audit & Governance Committee or at the Standards Committee.

## 6.0 RECOMMENDATIONS FROM THE CORPORATE AND ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

6.1 Since the last review in December 2017, general feedback has been received from a number of sources on the Protocol and its implementation. The Corporate and Environment Overview & Scrutiny Committee considered the feedback on 11 July 2019, during its review of the Protocol. The Committee has submitted the following recommendations for revisions to the current Protocol:

### 6.1.1 Include reference to Parish Councils

(A request was received from the Parish Clerks Liaison Meeting on 7 June 2019, when considering the Parish Council Charter, that there should be specific reference to Parish Council's eligibility to speak at meetings.)

Under the existing protocol Parish Council representatives are able to submit a request as a member of the public, however the Parish Clerks Liaison Group felt that in the spirit of the Charter, Parishes should be acknowledged specifically in the Protocol.

Members should consider if appropriate wording should be included in the protocol which specifically acknowledges that Parish Councils as being eligible to speak.

### 6.1.2 Provide for a resident to be represented by a Borough Councillor

(Feedback was received from a Borough Councillor who had submitted a request in his own name, on behalf of a resident.)

Under the current protocol, if residents feel nervous or uncomfortable speaking in public, then they can ask someone else to do it for them, but they must be present at the meeting.

Members should consider if it would be appropriate for a Borough Councillor to speak on the residents behalf and if that resident should be present. Given that in some instances, issues of predetermination/bias could be suggested, should this proposal from the Committee be accepted, it may be prudent to agree that the Councillor should not be a member of the body considering the item.

### **6.1.3 Provide for written representations to be considered without the need for the resident to attend**

(Feedback was received from a member of the public when he was unable to attend a meeting in person, but wished his written representations to be taken into consideration.)

In accordance with the current protocol, requests to speak are published and subsequently circulated to Members of the relevant body, including relevant officers.

Members should consider if appropriate wording should be included in the protocol which advises that the relevant body will consider representations without the need for the resident to attend.

### **6.1.4 Extend public speaking to Council meetings and the meeting to commence at an earlier start time of 7.00pm in order to accommodate**

(Feedback received from a Borough Councillor.)

The Working Group did consider public speaking at Council, however it was felt that meetings were already too long and it was ruled out at an early stage.

Members should consider if the protocol should be extended to meetings of Council. There would be resource implications in allowing any such extension and these are added below. It maybe anticipated that given the nature of the Council meetings and the extensive agendas, e.g. including Motions and Questions, this could give rise to a significant additional activity.

6.2 Revisions to the protocol require approval by Council, therefore the first meeting for operation of any agreed revisions would be Audit & Governance Committee on 29 October 2019

## **7.0 PUBLICITY**

7.1 Currently, publicity arrangements include a page on the Council's website, all agendas are published on the website and an agenda sheet is placed on the Council's noticeboard. A press release, aimed at promoting these arrangements to members of the public, is also produced prior to each Cabinet meeting, which sets out the deadlines for submitting requests to speak at future meetings of Audit & Governance Committee, Scrutiny Committees, Standards Committee and Cabinet.

## **8.0 SUSTAINABILITY IMPLICATIONS**

8.1 The provision of public involvement in meetings provides another method to enable local people to raise concerns or state their views to the Council providing an additional feedback mechanism for the community and improving access for all.

## **9.0 FINANCIAL AND RESOURCE IMPLICATIONS**

9.1 Any revisions to the protocol should be accommodated within existing resources. In the event of an extension of the Protocol to cover Council there would be a need for officers to be available for the extended meeting and time in lieu would be required for relevant officers, taking them away from their other duties for that

time and for any preparatory information to be provided to facilitate members consideration.

## **10.0 RISK ASSESSMENT**

10.1 The Public Speaking Protocol provides an opportunity to further develop transparency and openness through public involvement at meetings.

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### **Background Documents**

There are no background documents (as defined in Section 100D (5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

There is a direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required, a formal equality impact assessment is attached as Appendix 2 to this report, the results of which have been taken into account in the Recommendations contained within this report

### **Appendices**

1. Public Speaking Protocol (Constitution 14.1)
2. Equality Impact Assessment
3. Minute of Cabinet – 10 September 2019 (Executive O&S Committee and Council only)
4. Minute of Executive Overview & Scrutiny Committee – 26 September 2019 (Council only)