

Report to the Constitution & Member Services Scrutiny Standing Panel



Date of meeting: 23 September 2010

Portfolio Holder: Leader

Subject: Presentations by Members of the Public at Cabinet Meetings

Responsible Officer: I Willett (01992 564243)

Democratic Services Officer: M Jenkins (01992 564607)

Recommendations:

(1) To consider including in the Constitution provision for external organisations or members of the public to address Cabinet meetings on executive functions.

Report:

1. There have been occasions over recent months when requests were made by external organisations or individuals to address Cabinet meetings about items of business on the agenda. This has highlighted the fact there is no provision in the Constitution for such representations to be made, authority resting in the Leader of Council's discretion as Chairman at Cabinet meetings.

2. The former Corporate Executive Forum (CEF) took the view that although there was no query on the arrangements made previously, it might be preferable to make provision in the Constitution to provide for these presentations to be made.

Current Arrangements – Questions by the Public at Cabinet Meetings

3. Paragraph 2.2(ix) of the Executive Procedure Rules indicates that among the business items to be transacted at a Cabinet meeting would be questions from members of the public in accordance with the Council's agreed scheme.

4. The main features of this scheme are that 15 minutes is allocated to any questions from the public. Any which cannot be dealt with will be held over until the next Cabinet meeting. A maximum of two questions is allowed. There is no requirement to submit a question in writing but interested persons are required to register before 4 pm on the day of the Cabinet meeting giving their name, address and the subject matter of the question.

Current Arrangements - Public Questions at Council Meetings

5. The arrangements for public questions at Council meetings is very similar to the Cabinet except that questions must be submitted in writing by midday seven days before the Council meeting. The person concerned is notified within 48 hours as to whether the question is valid. The other conditions which relate to Cabinet questions also apply to Council meetings.

Representations at Area Plans Sub-Committees

6. It is important to realise that the closest analogy to the current proposal is the case of the Area Plans Sub-Committees, where representations are made rather than questions being asked. The procedure in this case is that a speaker must register with the Council by 4 pm on the day of the meeting, speakers have a maximum of three minutes (which can be extended at the discretion of the Chairman) and can be accompanied by circulation of additional information in certain cases at the discretion of the Chairman. There are also restrictions on the number of objectors who can speak.

Addressing the Cabinet

7. If provision in the Constitution for addressing Cabinet meetings is thought desirable, this should be done by amending the Executive Procedure Rules. The Panel is asked to consider the following issues that arise if this is to be done:

(a) is a simple statement in the rules to say that it shall be at the discretion of the Leader of the Council as to whether any external organisation or individual should be able to address the Cabinet on an item of executive business?

(b) is it desirable to restrict the ability to address the Cabinet to those items which appear on any particular agenda or should the right to address the Cabinet extend to any other matter relating to the Executive?

(c) is it necessary to stipulate written notice, a deadline for notifying an intention to address the Cabinet and a time limit for presentations? If so, what should those arrangements be?

(d) should the right to address Cabinet members extend to Executive Committees in addition to the main Cabinet meetings?

8. There may be other issues which the Panel might wish to explore but a general discussion at this meeting would help to clarify the changes to the executive procedure rules required.