

Report to the Overview and Scrutiny Committee



Date of meeting: 18 October 2010

Report of: Constitution & Member Services Standing Scrutiny Panel

Portfolio: Leader

Subject: Addressing Cabinet and Overview and Scrutiny Committee Meetings

Responsible Officer: I Willett (01992 564243)

Democratic Services Officer: A Hendry (01992 564246)

Recommendations:

That a report be submitted to the Council recommending as follows:

- (a) that provision be made in the Executive Procedure Rules in the Constitution to regulate arrangements for members of the public or other organisations to address Cabinet meetings on agenda business;
- (b) that the proposed additional clause in the Executive Procedure Rules set out in Appendix 1 to this report be approved;
- (c) that similar provision be made in the Overview and Scrutiny Procedure Rules as set out in Appendix 2 to this report in order to provide for similar arrangements to operate at Overview and Scrutiny Committee meetings;
- (d) that these arrangements be reviewed in 12 months' time;

Report:

1. We have been asked to examine the question of how requests to address Cabinet meetings should be dealt with. There have been a few occasions over recent months when requests were made by external organisations or individuals to address Cabinet meetings on items of concern which were on the agenda. This has highlighted the fact that there is no specific provision in the Constitution for these representations to be made, reliance being placed on the Leader of Council's discretion as the Chairman at Cabinet meetings.

Current Arrangements – Questions by the Public at Cabinet and Council Meetings

2. We have examined the arrangements currently in place for asking questions at Council and Cabinet meetings. At Cabinet, the Executive Procedure Rules allow 15 minutes to be allocated to questions from the public. Any questions which are out of time are then held over until the next meeting. A maximum of two questions per member of the public is allowed and there is no requirement to submit a question in writing beforehand. However, interested people are requested to register their interest by 4.00pm on the day of the Cabinet meeting, giving their name, address and the subject matter in question.

3. At Council meetings the arrangements are a little different: 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.

Conclusions on Questions

4. The Council's arrangements for public questions are helpful in giving guidance on a number of points in connection with addressing Cabinet meetings. However, we feel that asking questions is different from making representations. We have therefore looked specifically at the Area Plans Sub-Committees where arrangements exist for the public to make representation on planning matters.

Representations at Area Plans Sub-Committees

5. At Area Plans Sub-Committees a speaker must register with the Council by 4.00pm on the day before the meeting and are allocated a maximum of three minutes (which may be extended at the discretion of the Chairman). This can then be accompanied by a circulation of additional information also at the discretion of the Chairman. There are restrictions on the number of objectors who can speak on any one application.

Addressing the Cabinet

6. We feel that the Constitution should make provision for outside organisations and individuals to address the Cabinet on matters of concern. This would be in line with the ability of the public to do so at Area Plans Sub-Committees. In summary, we would recommend that the system should operate in the following way:

- (a) organisations or individuals should only be able to address Cabinet meetings on items which are on agenda as we feel that "open ended" invitations will put great pressure on the time available to the Cabinet to transact its business;
- (b) a maximum of two persons being able to address the Cabinet on an item subject to a to no more than three such items on any one agenda;
- (c) each person or organisation should be allocated three minutes to address the Cabinet on the matter in hand;
- (d) the deadline for requests should be 4.00pm on the day of the Cabinet meeting without written notice being required;
- (e) these arrangements to be managed by Democratic Services staff on the basis of "first come, first served";
- (f) arrangements are not to apply to Cabinet Committees.

7. Appendix 1 to this report sets out draft revisions to the Executive Procedure Rules to give effect to these proposals.

Overview and Scrutiny

8. At present, the Overview and Scrutiny Procedure Rules allow the Committee or a Panel of Overview and Scrutiny to invite members of the public or outside organisations to attend for the purpose of giving evidence or submitting views. We feel, however, that Overview and Scrutiny should have the same provision in its rules as those suggested above in relation to the Cabinet.

9. In practice, the Chairman of the Overview and Scrutiny Committee has been willing to accept such representations on an ad hoc basis but, as with the Cabinet, we feel that this needs to be included in the Constitution. With this in mind, Appendix 2 to this report sets out a new section to be inserted into the Overview and Scrutiny Procedure Rules.

Further Review

10. We recommend that in a year's time, there should be a review of these arrangements.

11. We recommend as set out at the commencement of this report.