

Report to Overview & Scrutiny Committee

Date of meeting: 1 September 2005

Portfolio: People First

**Subject: Press And Public - Attendance At Standing
And Task And Finish Scrutiny Panels**



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Recommendations/Decisions Required:

To consider the following policy options for public/press attendance at Panel meetings:

- (a) **Option 1 - no attendance by press and public**
- (b) **Option 2 - all meetings open except where confidentiality must be preserved**
- (c) **Option 3 - presumption that press and public will not attend, unless Chairmen determines otherwise**
- (d) **Option 4 - regular press briefings on OS/Panel work, subject to resources**

1. (Head of Research and Democratic Services) At the last meeting, preliminary consideration was given to the policy to be adopted in relation to public and press attendance at Scrutiny Panels. This arose from expressions of interest in attending the Travellers' Panel by one newspaper.

Legal Position

2. The Constitution's Access to Information Procedure Rules apply to the Council, the Overview and Scrutiny Committee, the Cabinet and regulatory committees (i.e. Area Plans Subs, and Licensing Committee). The rules do not apply to Panels or Working Groups. This means that the usual requirements for public notice etc under the Access to Information Acts do not apply. The avoidance of the terms "Panel" and "Working Group" is probably deliberate.
3. The general principle underlying the legal requirements is that deliberative bodies (as opposed to decision making committees etc) need not be subject to the law as they only make recommendations to their parent bodies. This does not preclude the Council from opening up Scrutiny Panels but does give a legal basis for excluding public access if that is members' view.

Custom and Practice

4. In the previous constitution (committee system), working groups of members were generally not accessible to the public. Under the current constitution this practice has continued in relation to the three former Policy Working Groups and the new OS Panels.

Argument for Admitting the Press and Public

5. These centre around transparency. Scrutiny Panels' work should be closely aligned with public concerns and interests. If the Panels wish to engage the involvement of the public, open meetings could assist.

Argument for Closed Panels

6. These centre around the need for Panels to engage in policy formulation in private. Such discussions may be speculative in character and possibly misleading to the public as they may not be capable of being pursued.

Options

7. Four options have been listed. There may be more. Option 1 (closed meetings) and 2 (open meetings) are clear policies. Option 3 (Chairman to determine) is more flexible and will place more onus on members to think about the advantages and disadvantages of public attendance.
8. Option 4 (press briefings) would seek to balance the advantages from discussions in private with regular updates to the press. The resources required may need to be assessed.

Public Attendance by Invitation

9. None of the foregoing comments apply to attendance of particular members public by invitation of a Panel. This is an option which is available under the existing rules.