

REPORT TO	ON
Governance Committee	8 July 2020



TITLE	REPORT OF
Public Participation in Council Meetings	Shared Services Lead - Legal & Deputy Monitoring Officer

Is this report confidential?	No
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PURPOSE OF THE REPORT

1. This report proposes some changes to procedures in council meetings whilst restrictions due to the coronavirus pandemic continue. Members are asked to consider the proposed approach. Ultimately this will be referred to Full Council for decision. The intention is to decide upon the general approach that will apply and then grant to the Director of Governance/Monitoring Officer delegated authority (in consultation with the Chair of Governance Committee) to make the necessary changes to the Constitution to effect this.

RECOMMENDATIONS

2. That Committee should consider and amend (if appropriate) the suggested way forward with Council meetings whilst the restrictions due to the coronavirus pandemic continue.

CORPORATE OUTCOMES

3. The report relates to the following corporate priorities:

Excellence, Investment and Financial Sustainability	X
Health, Wellbeing and Safety	
Place, Homes and Environment	

Projects relating to People in the Corporate Plan:

Our People and Communities	
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BACKGROUND TO THE REPORT

- 4.** The Covid-19 pandemic has had a significant impact on how the council is able to discharge its functions both in terms of service delivery but also in our governance and decision-making. In the first two months or so following on from lockdown no council meetings took place. Necessary decisions were made via those urgency powers set out in Standing Order 35 of the Council's Procedure Rules (Part 4a of the constitution). Some decisions were also made in accordance with our standard delegated decision procedure.
- 5.** As a response to the inability of councils to hold traditional in person committee meetings during the pandemic the Government introduced new Regulations namely: "The Local Authorities and Police and Crime Panels (Coronavirus) Flexibility of Local Authority Police and Crime Panel Meetings (England and Wales) Regulations 2020."
- 6.** These regulations apply to all local meetings held before the 7th of May 2021.
- 7.** One of the key purposes of the Regulations is to allow "remote" meetings. Meetings may be held without all, or indeed any, of the members physically present in a room.
- 8.** Members must be able to hear and (where practicable) see and be heard and (where practicable) be seen by other members in attendance at the meeting. This full requirement also extends to members of the public attending to exercise a right to speak in the meeting. All other members of the public must as a minimum be able to hear (but if practicable be seen as well). In practice this means that if members and speaking members of the public can be heard and hear each other and other members of the public not speaking can hear, this would fulfil the minimum criteria.
- 9.** Existing Standing Orders are overridden by these Regulations.
- 10.** In South Ribble we have decided to make use of Microsoft Teams to allow remote attendance at meetings.
- 11.** Initially (in June 2020) we held purely remote meetings. Generally speaking members dialed in to the meeting (with the exception of the Chair). The Chair was in the Civic Centre assisted by a small number of officers. Social distancing was maintained at all times.
- 12.** The intention is that come July 2020 we will move to hybrid meetings. This will be a combination of some members being physically present in the Civic Centre with others attending remotely. Obviously a number of our members may still be shielding – they would not be able to attend any such meeting in person. Further we may not be able to maintain social distancing rules if all members and officers attended committee meetings. Hence the reason why we are intending to have hybrid meetings. It is a way forward that is designed to ensure involvement from as many members as possible.
- 13.** Experience has shown elsewhere that remote meetings can take longer than face to face meetings. They can be slightly cumbersome at times. The technology is also still relatively new to this council. It is in this context that we have considered how we could streamline and simplify our procedures. These will be temporary measures - such measures would only apply up to May 2021 at the very latest. Hopefully these measures may be lifted earlier if all social distancing restrictions are lifted. The purpose of this report in particular is to address changing our approach to public participation in meetings and to the role of councilors not on a particular committee.

PROPOSALS

Public Participation

14. The council has a tradition of being very accommodating towards allowing public participation in council meetings. However, in the current circumstances – with the difficulties inherent in remote (or hybrid) meetings - it is considered that (temporarily) we need to revisit these rules.

15. For our quasi – judicial committees (Licensing, Planning) it is obviously important that applicants should retain the right to address committees. The question is how should we approach the question of allowing the general public to speak.

16. For Planning Committee (as members know) we have a procedure set out in some detail. Ordinarily we allow up to 5 people to speak against an application and up to 5 people in favour. People can speak for up to 4 minutes each. The proposal is that we will reduce these numbers to 3 people against and 3 people for – again they each should have 4 minutes to speak. It should be pointed out that even these amended rules are more generous than what many councils allow. We also propose that there should be a requirement for anybody wanting to speak to register their interest 2 days before the meeting in question – for example by noon on the Monday for a meeting on Wednesday of the same week.

17. For Licensing Committee many applications for taxi licences/badges etc. are treated as exempt items and hence the general public would not be in attendance. For those items that are public items it is proposed to adopt the same approach to what is proposed for Planning Committee. This is subject to any changes that may be necessary if we have a hearing under the provisions of the Licensing Act 2003.

18. For all other committees (including full Council) it is proposed that the general public should not have the right to speak. However, they will have the right to submit any written questions based on agenda items for that particular meeting. Some notice of such questions would need to be given - the suggestion is questions should be submitted at least 2 days before the meeting in question – i.e. for a Wednesday meeting any questions any should be submitted to the council by noon on the preceding Monday.

The Participation of Councillors not on Committee

19. Under our existing rules councillors not on committee are generally able to ask questions or make representations at any such meetings. Whilst the current difficult circumstances continue (and the need to streamline meetings as much as is practicable is a factor) consideration needs to be given as to whether Councillors not on a particular committee should still have the right to speak. As an alternative they could have the right to submit written representations ahead of the meeting. For the sake of consistency with members of the public such representations could be submitted at least two days before any such meeting – i.e. for a meeting on a Wednesday any representations should be submitted by noon on the Monday.

20. If Governance Committee is indeed minded to restrict the rights of Councillors not on committee to speak then it is suggested there would have to be some exceptions to this. Firstly it is not considered desirable that such an approach would apply to Cabinet meetings. Obviously all members of Cabinet are from the same political party. Clearly it is important that opposition members should be able to speak at appropriate times and ask questions. Secondly members not on Planning Committee frequently speak on behalf of their residents in respect of particular planning applications. This is a particularly important role which is often useful for Planning Committee in their deliberations.

21. Subject to the exceptions outlined in the preceding paragraph Members are asked to consider whether the rights of Councillors not on a particular committee to speak at such a meeting should

be restricted. As explained previously this would be a temporary measure whilst social distancing restrictions continued.

CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION

21. Ordinarily we would have taken this report to Governance Constitution Task group for an initial discussion. However, in the current circumstances – given the inherent difficulties in having meetings – we decided to bring the report directly to Governance Committee. Ultimately this matter will have to be referred to Full Council for a decision.

AIR QUALITY IMPLICATIONS

22. There are no air quality implications arising from this report.

COMMENTS OF THE STATUTORY FINANCE OFFICER

23. There are no financial implications arising from this report.

COMMENTS OF THE MONITORING OFFICER

24. What is proposed here are temporary measures to help us get through the challenges posed by the Coronavirus pandemic. There are no legal impediments to what is proposed here.

OTHER IMPLICATIONS:

<p>▶ Risk</p>	<p>There are no adverse risk considerations that need to be highlighted</p>
<p>▶ Equality & Diversity</p>	<p>There are no concerns from an Equality and Diversity point of view.</p>

There are no background papers to this report

There are no appendices to this report

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