

CABINET

20 June 2007

COUNCILLOR AND PUBLIC PARTICIPATION AT CABINET MEETINGS

REPORT OF HEAD OF DEMOCRATIC SERVICES

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RECENT REFERENCES:

Minutes of Cabinet held 30 May 2007.

EXECUTIVE SUMMARY:

At the last Cabinet meeting on 30 May 2007, the Chairman proposed some adjustments to the Public Participation procedure with the aim of improving the focus and efficiency of meetings.

This Report sets out the proposed changes in more detail.

RECOMMENDATION:

That the changes to the Public Participation procedure for Cabinet be agreed, as set out in Section 1 of the Report.

CABINET20 June 2007COUNCILLOR AND PUBLIC PARTICIPATION AT CABINET MEETINGSREPORT OF HEAD OF DEMOCRATIC SERVICESDETAIL:1 Changes to Public Participation Procedure at Cabinet

1.1 At the last Cabinet meeting, the Chairman proposed some changes to the public participation procedure. These changes would only apply to Cabinet meetings and not other Council meetings, such as Principal Scrutiny Committee or the Scrutiny Panels.

1.2 Order of Business/Timing of Public Participation

The current procedure is set out under the heading "How do I make my views known?" in the 2006/07 Public Participation leaflet (attached as Appendix A to this Report).

It is proposed that this be altered for Cabinet meetings, to explain that the member of the public would normally be asked to speak at the time of the agenda item itself, not at the beginning of the meeting, although the Chairman would retain discretion regarding this.

It is suggested that the current paragraph be amended as shown below:

*"Public Participation allows you the opportunity to make a statement or ask questions during a 15 minute period prior to the formal business of the meeting. **However, at Cabinet meetings, you will normally be asked to speak at the time of the relevant agenda item instead.** You are advised to arrive no later than 10 minutes before the start of the **meeting.** ~~public participation session.~~"*

The usual order of business at each agenda item would therefore be as follows:

- Portfolio Holder introduction followed by any additional comment from Officers;
- Questions from Cabinet Members;
- Public Participation;
- Councillor (non-Cabinet Member) representation;
- Any further questions, debate and decision by Cabinet.

1.3 What subjects can be raised?

The current limitations are set out under the heading "Are there any situations when I cannot speak?" on the attached Public Participation procedure.

It is proposed that this be changed for Cabinet to stipulate that it be limited to items on the Cabinet agenda only. The suggested amended wording is shown in bold below.

*“Subject to the exceptions mentioned below, questions may be asked or statements made on anything which is the responsibility of the Committee you attend (**different rules apply to Cabinet meetings – see below**).*

But the same question or statement cannot be put at every meeting. This is to give everyone the opportunity to make statements or ask questions. If the sessions are to be used constructively, there is a need to avoid repetition and small pressure groups using them just to seek publicity.

There are also limitations relating to questions about current applications, personal cases and confidential matters.

At Cabinet, questions or statements must relate to an agenda item to be considered at that meeting.

If you would like to speak about a general issue, please seek advice from the Head of Democratic Services about whether Principal Scrutiny Committee or one of the Scrutiny Panels is the most appropriate to attend.”

1.4 How long can public speak for?

It is proposed that the time limit of 3 minutes per speaker remain, at the Chairman’s discretion. Therefore the wording of the current procedure need not be changed (set out under the heading “*How long can I speak for?*”).

2 Changes to (Non-Cabinet) Member participation at Cabinet meetings

As mentioned under Paragraph 1.2 above, Councillors would normally be invited to speak during the appropriate agenda item, after the Portfolio Holder/Officer’s introduction, questions from Cabinet Members and public participation.

Councillors would be limited to speak on agenda items only (this is the practice usually adopted anyway and all that is allowed under Council Procedure Rule 35). There is no formal time limit for Councillors speaking, at the Chairman’s discretion.

3 Publicity for New Arrangements

- 3.1 A new Public Participation Leaflet is being prepared for 2007/08 which will contain the new arrangements, if agreed. In addition, the Council’s Website will be updated and the Monthly Meetings Advertisements in the Hampshire Chronicle will include the new information. Councillors will be informed via the Members’ Bulletin and Parish Councils through their bulletin.

OTHER CONSIDERATIONS:

4 CORPORATE STRATEGY (RELEVANCE TO):

An efficient and effective Council.

5 RESOURCE IMPLICATIONS:

None.

6 BACKGROUND DOCUMENTS:

None.

7 APPENDICES:

Appendix A – 2006/07 Public Participation Procedure

What subjects are covered by each Committee?

CABINET

- ◆ Land and Property Matters
- ◆ Personnel Matters
- ◆ Financial Management
- ◆ Local Taxation (including related benefits and relief)
- ◆ Constitutional, Civic and Ceremonial matters (including the Mayoralty and matters affecting Members)
- ◆ Secretarial, Legal and Administrative Services
- ◆ Insurances
- ◆ External Relations
- ◆ Public Relations
- ◆ Representation on Outside Bodies
- ◆ IT Services
- ◆ Emergency Planning
- ◆ The Cabinet is also responsible for taking all decisions on the following;
 - Leisure, Arts, Heritage and Community matters
 - Environmental Health matters
 - Transportation matters
 - Housing matters
 - Strategic Planning matters

LICENSING & REGULATION COMMITTEE

- ◆ Caravan Site Licensing
- ◆ Health and Safety at Work Enforcement
- ◆ Shops Act
- ◆ Animal Control and Welfare Legislation
- ◆ Scrap Metal Dealers
- ◆ Hackney Carriages and Private Hire Vehicles
- ◆ Public Entertainment, Theatres and Cinemas
- ◆ Control of Temporary Markets
- ◆ Late Night Refreshment Houses
- ◆ Betting, Gaming, Small Lotteries and Amusements with Prizes
- ◆ Byelaws
- ◆ Electoral and Boundary matters

STANDARDS COMMITTEE

- ◆ Issues of probity, ethics and behaviour of councillors and staff.
- ◆ Development and use of the Code of Conduct and local protocols
- ◆ The Conduct of some local hearings into complaints

PLANNING DEVELOPMENT CONTROL COMMITTEE

- ◆ Planning Applications
- ◆ Enforcement
- ◆ Advertisements
- ◆ Listed Buildings
- ◆ Tree Preservation Orders
- ◆ Conservation Areas
- ◆ Building Regulations

PRINCIPAL SCRUTINY COMMITTEE

The Committee has a general remit to maintain an overview of the discharge of the Council's executive functions (including having the right or "call-in" of certain decisions). It has the right to review policies (that do not fall into the remit of the Scrutiny Panels, below) and policy/decision making processes. In addition to being the Council's audit committee, it scrutinises elements of the Leader and Deputy Leader's Portfolio as follows:

- ◆ Policy
- ◆ Performance (other than procurement)
- ◆ Major Projects

SCRUTINY PANELS

In addition to having an overview of performance and budgetary control in respect of the specific areas set out below, all the Panels carry out implementing/monitoring of work programmes and business plans.

LOCAL ECONOMY SCRUTINY PANEL

This Panel holds to account the Portfolio Holder for Culture, Heritage & Sport and the Portfolio Holder for Planning & Transport and also the Leader who has a portfolio which includes local economy and tourism.

In summary, the Panel scrutinises:

- ◆ Recreation and Leisure
- ◆ The Arts
- ◆ Heritage
- ◆ Community Facilities
- ◆ The support and assistance of voluntary organisations in the field of local community provision and welfare

- ◆ The Local Economy
- ◆ The work of the Council's Conservation Team

RESOURCES SCRUTINY PANEL

This Panel holds to account the Portfolio Holder for Finance and Resources and the Portfolio holder for Performance and Communities.

In summary, the Panel scrutinises:

- ◆ All service and budget areas that report to the Chief Executive, Director of Finance, City Secretary and Solicitor, Director of Human Resources and the Estates Division

ENVIRONMENT SCRUTINY PANEL

This Panel holds to account the Portfolio Holder for Planning and Transport and the Portfolio Holder for Environment, Health & Safety.

In summary, the Panel scrutinises:

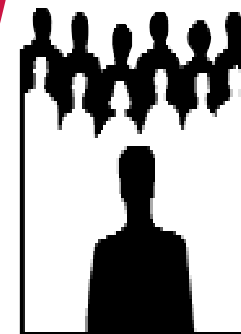
- ◆ The Planning, Strategic Planning, Building Control and Environmental Health activities of the Council
- ◆ All transportation, parking and engineering activities of the City Council

SOCIAL ISSUES SCRUTINY PANEL

This Panel holds to account the Portfolio Holder for Housing & Communication and the Portfolio Holder for Environment, Health & Safety.

In summary, the Panel scrutinises:

- ◆ The housing functions of the Council, both generally and in relation to the activities of the Housing Revenue Account.
- ◆ Community Safety
- ◆ Community Development
- ◆ Social Inclusion
- ◆ Health Improvement
- ◆ Revenues (in respect of Housing Benefits)
- ◆ Overview of certain health activities, including joint health initiatives with Hampshire County Council and/or other bodies in the statutory Health Sector or the Voluntary Sector.



Do YOU have a point to make about issues in the Winchester District?

Public Participation

2006
2007

If so, then you will be interested in the public participation sessions held at the beginning of Winchester City Council's Committee meetings.

How do I make my views known?

Public Participation allows you the opportunity to make a statement or ask questions during a 15 minute period prior to the formal business of the meeting. You are advised to arrive no later than 10 minutes before the start of the public participation session.

Where?

Meetings are held in the Guildhall, Winchester. Disabled access is available. (Please contact the appropriate Committee Administrator in advance so that the necessary arrangements can be made).

Which Committees?

All of the Council's main Committee meetings, i.e.

- ◆ Cabinet (CAB)
- ◆ Principal Scrutiny Committee (PS)
- ◆ Social Issues Scrutiny Panel (SO)
- ◆ Local Economy Scrutiny panel (LE)
- ◆ Environment Scrutiny Panel (EN)
- ◆ Resources Scrutiny Panel (RE)
- ◆ Standards Committee (ST)
- ◆ * Licensing & Regulation (LR) - *see below*
- ◆ † Planning Development Control (PDC) - *see below*

* For Licensing & Regulation Committee, and Licensing Sub-Committees, there is a special procedure for dealing with public participation on individual licensing applications. Please telephone Committee Services on 01962 848 264 or email: css@winchester.gov.uk for more details.

† For Planning Development Control Committee, there is a special procedure for dealing with public participation on individual planning applications. Please contact the Public Speaking Co-ordinator in the Planning Division on 01962 848 339 or email: planning@winchester.gov.uk for more details.

Can anyone speak?

Yes, but please remember that only 15 minutes have been set aside for all questions and answers. If several people wish to speak on the same subject, the Chairman may ask for one person to speak on everyone's behalf.

As time is limited, we will operate on a "first come first served" basis. To reserve your place to speak, you are asked to arrive no later than 10 minutes before the public participation session starts. If you arrive later than this time, we cannot guarantee that you will be able to speak.

How long can I speak for?

Unless time permits, questions and statements will be limited to 3 minutes each (the length of time permitted is at the discretion of the Chairman).

Second questions on the same topic will not normally be allowed but again the Chairman has discretion to allow supplementary questions if appropriate.

When?

Meeting start times shown in brackets

Council (7pm)	19/07/06	1/11/06	10/01/07	28/02/07	18/04/07
	← 2006 →		← 2007 →		
CAB (10am)	21/6	10/7, 26/7, 13/9, 11/10	15/11, 13/12	17/1, 14/2	7/3, 28/3
LR (6.30pm)		12/9	14/11, 12/12		13/3
PDC (9.30am)		6+27/7, 14+24/9, 5+26/10	16/11, 7+21/12	1+21/2, 11/1	8+29/3, 19/4
ST (6.15pm)	19/6	25/9	20/11	5/2	19/3
PS (6.30pm)	5/6, 10/7	11/9, 16/10	4/12	15/1, 14/2	26/3
SO (6.30pm)		17/7, 23/10	5/12	30/1	15/3
EN (6.30pm)	12/7	17/10	27/11	24/1	12/3
LE (6.30pm)	13/7	18/10	28/11	29/1	14/3
RE (6.30pm)	20/7	25/10	06/12	31/1	20/3

Do I have to give notice before the meeting?

The only requirement is to give 3 clear working days notice if you wish to have a full reply at the meeting. But there is nothing to stop you simply attending the meeting on the day and making your point.

Are there any situations when I cannot speak?

Subject to the exceptions mentioned below, questions may be asked or statements made on anything which is the responsibility of the Committee you attend.

But the same question or statement cannot be put at every meeting. This is to give everyone the opportunity to make statements or ask questions. If the sessions are to be used constructively, there is a need to avoid repetition and small pressure groups using them just to seek publicity.

There are also limitations relating to questions about current applications, personal cases and confidential matters. Further details can be obtained from the appropriate Committee Administrator.

What happens at the meeting?

There is public seating provided. You will be asked by the Committee Administrator to give your name, address and the nature of your question. You will then be added to the list of persons wishing to speak. At the appropriate time, the Chairman will invite you to ask your question or make your statement.

Will I get a full reply to my question?

We will attempt to respond to any statement or question at the meeting, but sometimes research may be necessary before a full answer can be given. If this is the case, we will write to you after the meeting if you leave your name and address.

If you require a full reply to your question on the day, please let us know at least 3 clear working days before the meeting you will be attending.

If too many people attend and you do not get the chance to ask your question, then provided you have given your name, address and details of your question, we will be pleased to write to you after the meeting. A copy of your question and answer will also be circulated to all Councillors who serve on the Committee you attended.

Presentation of Petitions

As an alternative to the system above, if you are a resident of the district you may prefer to highlight an issue by raising a petition. Provided the issue is relevant to local government and affects the Winchester district, you have the choice of submitting your petition to full Council, Cabinet or one of the Scrutiny Panels. You can take up to five minutes to make your presentation.

Seven days notice must be given to the City Secretary and Solicitor, who will also be pleased to advise on whether or not the issue is appropriate for consideration. Petitions should not refer to current planning or licensing applications, because special arrangements exist for public participation in those cases.

Further information

Please telephone 01962 848 264 and ask to speak to the Committee Administrator for the meeting you wish to attend.

Alternatively you may write to the City Secretary and Solicitor at the City Offices, Colebrook Street, Winchester, SO23 9LJ, who will be pleased to arrange a reply to be sent to you.

If you wish to discuss an issue with your local District Councillor but do not know his or her name, please telephone Committee Services on 01962 848 264 or email: css@winchester.gov.uk. You can also find out further details about all our Councillors at www.winchester.gov.uk

If you wish to make your point without attending the meeting, you may wish to contact the following:-

- ◆ **Planning Policy, Transportation and Parking Matters** - Steve Tilbury, Director of Development
01962 848 292, planning@winchester.gov.uk
stilbury@winchester.gov.uk
- ◆ **Environmental Health and Housing Matters** - Bob Merrett, Director of Communities
01962 848 165, bmerrett@winchester.gov.uk
- ◆ **Public Relations Matters** - Ian Hogg, Corporate Communications Manager
01962 848 251, ihogg@winchester.gov.uk

Telephone calls may be recorded.