

STANDARDS COMMITTEE

5 April 2006

MONITORING OF COMMITTEE PROCEEDINGS BY INDEPENDENT MEMBERS AND
PARISH REPRESENTATIVES

REPORT OF CITY SECRETARY AND SOLICITOR

Contact Officer: Chris Ashcroft Tel No: 01962 848 284 cashcroft@winchester.gov.uk

RECENT REFERENCES:

ST34 – Monitoring of Committee Proceedings by Independent Members – 17 May 2004

EXECUTIVE SUMMARY:

The Independent Members and Parish Representatives have monitored proceedings at Planning Development Control Committee (12 January 2006), Cabinet (7 February 2006) and Principal Scrutiny Committee (13 February 2006).

This report considers the comments made and sets out what action will be taken where particular issues have been identified. It is suggested that appropriate points made in respect of the Planning Development Control Committee should be incorporated into the specific training session which is held at the start of each Municipal Year, for all members of that Committee.

RECOMMENDATIONS:

- 1 That the Independent Members and Parish Representatives be thanked for undertaking the monitoring work.
- 2 That the recommended responses arising out of the comments made be agreed and the City Secretary and Solicitor requested to pursue these matters accordingly, in particular:
 - (a) that Members of the Planning Development Control Committee be requested to declare an interest (and give a brief explanation of the nature of that interest) when the item arises on the agenda, in addition to the Committee Administrator announcing that interest at the start of the meeting.

(b) that reasonable levels of formality be maintained during committee meetings (e.g using surnames and/or job titles) to aid public understanding about who is speaking and their role at the meeting.

- 3 That the appropriate points made in respect of the Planning Development Control Committee be incorporated into the specific training session held for Committee Members, which will take place at the beginning of the 2006/07 Municipal Year.
- 4 That the comments of the Independent Members and Parish Representatives be drawn to the attention of all Group Leaders.

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DETAIL:

1 Introduction

- 1.1 The Independent Members and Parish Representatives have monitored proceedings at Planning Development Control Committee (12 January 2006), Cabinet (7 February 2006) and Principal Scrutiny Committee (13 February 2006).
- 1.2 Their findings have been summarised under each of the 17 questions set out below. The overall rating to each question given from the options set out in the questionnaire has been highlighted in bold. More than one rating highlighted indicates that opinions differed. A distinction has been made between the meetings where this is relevant.

OTHER CONSIDERATIONS:

2 CORPORATE STRATEGY (RELEVANCE TO):

- 2.1 The Council to have efficient structures and procedures, with effective organisational arrangements.

3 RESOURCE IMPLICATIONS:

- 3.1 Minimal on the basis of the responses in this report.

BACKGROUND DOCUMENTS:

Files held in City Secretary and Solicitor's Department

APPENDICES:

Appendix 1 – Monitoring of Committee Proceedings by Independent Members and Parish Representatives – Analysis of Feedback

MONITORING OF COMMITTEE PROCEEDINGS BY INDEPENDENT MEMBERS AND PARISH REPRESENTATIVES – ANALYSIS OF FEEDBACK

1. How clear was the signage at the Guildhall to indicate where and when the meeting would be held?

Excellent / Good / Average / Poor / Very Poor

Comments: The only specific suggestion for improvement related to the Planning DC meeting, where it was felt that additional signs were warranted, having regard to the relatively high levels of public attendance and that some people may have lost their way a little in the corridors.

Response: The positioning of additional direction signs has been discussed with the Guildhall Manager and these will be provided in future.

2. To what extent was it clear who the Councillors, the officers and (if appropriate) the applicants were?

Completely / Quite well / Partly / Not at All

Comments: Some Councillor/Officer nameplates were obscured by the angle at which they were placed, or subsequently knocked. It was not always clear who officers were and that they could be confused with public speakers. Use of officer first names in some instances added to the confusion.

Response: The comment about visibility of Councillor nameplates was raised during the previous monitoring exercise. Efforts are always made to angle the nameplates towards the public gallery but, during meetings, Members do sometimes inadvertently knock the nameplates when looking at reports etc. Some form of stand may be the answer, but a 'fixed' holder is not possible, as the tables are dismantled after each meeting and both the rooms and tables have to remain flexible for a range of meeting set-ups.

First name informality may be appropriate on some occasions, but the point is taken that it can be confusing for the public, particularly at Planning DC meetings, where limited table space often means that some officers address the Committee from chairs at the side of the room. Identification by the Chairman of who the officer is each time he/she speaks (because the audience does change during lengthy Planning meetings) plus the wearing of name badges, will be raised with those involved.

3. How good were the facilities in the meeting room? (e.g. seating and, if appropriate, monitors, projector screens etc.)

Excellent / Good / Average / Poor / Very Poor

Comments: The installation of projection and individual microphone facilities has improved the responses to this question since 2004. The only criticism by the observers was that, at the Planning DC meeting, the public seating was cramped, which made getting in and out of the seating awkward.

Response: Due to the high levels of public attendance and available space, the seating in the Walton Room for Planning meetings is laid out in a fairly compact way. However, the observations are noted and the Guildhall Manager has been requested to space the chairs and rows a little more generously.

4. Were copies of the agenda and procedure leaflets available on the public seating?

Yes / No

Comments: One meeting (with no public attendance) did not have agendas placed on the public seats and another had an apparent shortage.

Response: On the first point, the Committee Administrator would have supplied copies had any public arrived, but our standard practice is that copies should be laid out prior to the meeting, even if no public are present at that stage; so this procedure will be reinforced. The other situation involved those in the public gallery all being officers or members, all of whom had agendas already.

5. How clearly was the opportunity for public participation announced at the beginning of the meeting?

Completely / Quite well / Partly / Not at All

Comments: None.

Response: None

6. To what extent did the agenda sheet and leaflet clearly explain the process of public participation?

Completely / Quite well / Partly / Not at All

Comments: The main comment here related to the Planning DC meeting and how the public participation process can be confusing for the public. In particular, the practice of first dealing with those items upon which the public wished to speak, which inevitably changed the order of the agenda (which is published before the deadline for public speaking requests). Unless this is clearly explained at the outset, the public do not understand why the numerical order of the original agenda is not being followed. It also leads to people not being able to assess when their item will be discussed and sometimes having to leave beforehand.

There was a further point about extending the three minutes participation period for major applications, when more complex issues are often involved.

Response: The problems associated with changing the agenda order is a comment that has been made previously. To improve the situation, copies of a list are circulated to the public at the meeting, setting out the revised order in which items will be taken. Unfortunately, at the meeting where the monitoring took place, a new member of the Planning team was unaware of the need to actually circulate the copies and simply left them on the press table for collection. This error has been rectified and we have received no complaints with the new system. A copy of the list is also posted on the entrance doors to the Walton Room.

Regarding the extension of the three minute participation period, this is not favoured, because it immediately introduces a subjective judgement about what is 'major'. Whilst a view could be taken and general guidance agreed, it would almost certainly be subject to challenge by other applicants/objectors. For example, whilst unlikely to be construed as 'major', neighbours could argue that one new house being built next door was major in the context of their lives and consequently they should be allowed any extended participation period to make their case. The current system is consistent with that operated in most neighbouring authorities and there is minimal complaint. To introduce a variable time limit may well unsettle this situation and create problems.

7. Were you asked directly by the Committee Administrator or the Chairman if you wanted to speak during public participation?

Yes / No

Comments: The 'no' response related to the Planning DC meeting where a different form of public participation is operated, involving prior notification. In addition, the Public Speaking Co-ordinator 'meets and greets' public speakers as they arrive and answers any remaining queries.

Response: Noted

8. If others did speak, to what extent were their concerns answered fairly?

Completely / Quite well / Partly /

Comments: At the Planning DC meeting, it was considered that some responses to questions were better than others. On a major item, the Chairman made particular efforts to ensure that all points were dealt with and that benefited the overall discussion.

Response: The Planning DC meeting remains by far the most active in terms of public participation and articulate speakers can raise numerous issues within the three minute time slot. Nevertheless, all speakers should feel that they have had adequate responses to their comments and therefore the point will be noted for further member/officer discussions.

9. How well could both the public speakers and the Councillors be heard?

Completely / Quite well / Partly / Not at All

Comment: The only criticism was that some Members occasionally forgot that they were in a public forum and spoke to each other in lower tones, which were lost even with the amplification.

Response: All Members will be reminded about this point.

10. Councillors who are not members of the Committee can sometimes contribute to the debate, including Portfolio Holders, Ward Members and the Leader. If applicable, how well was this fact communicated to the public?

Completely / Quite well / Partly / Not at All

Comments: On the few occasions when it did occur, there was again the issue of first names being used (rather than the title of the office held) which made it confusing for the public about who the contributors were.

Response: All Members will be reminded about this point.

11. Following on from question 10 above, and specifically relating to the Planning Committee, to what extent was the Planning Protocol followed (e.g.: Members of the Committee not voting but choosing to speak as a Ward Member to advocate a particular view)?

Completely / Quite well / Partly / Not at All

Comments: On the occasions when it did occur, the procedures appear to have been clear and followed correctly.

Response: Noted.

12. If any Councillors declared an interest, how well was it made clear what the actual interest was?

Completely / Quite well / Partly / Not at All

Comments: Generally, very clear. However, a comment was made in relation to the Planning DC Committee, that the announcements of interests at the beginning of the meeting was rather hurried and somewhat lost, as the public were still taking their seats. For something so important, it may have been better if the room had settled before the announcements and that some explanation was first given about the difference between a personal and personal and prejudicial interest.

Response: The procedure at Planning Development Control Committee is that Members complete a form immediately prior to the meeting, giving details of any personal and/or prejudicial interests they may have in applications on the agenda. At the beginning of the meeting, the Committee Administrator reads out the entries made on the forms, stating the interest, the reasons for that interest and whether or not the Member will be leaving the room. Members should again declare their interest when the item is reached on the agenda, giving brief details about the nature of that interest, but it appears that this practice needs to be reinforced. At other meetings, the need to declare interests is usually far less and Members would state these themselves at the beginning of the meeting and again when the item arises, giving the same level of detail.

A further point was raised about giving a general explanation at the beginning of each meeting concerning declarations of interest and the different categories etc. As Members will appreciate, what constitutes an interest is often not straightforward and a quick explanation, in a large forum to people with little prior knowledge about the subject, may well confuse more that it clarifies. If properly observed, the requirement for Members to give a brief explanation about the nature of the interest, is probably more helpful to the public than a technical summary covering the range of circumstances in which interests can occur.

13. Did any Member leave the room after declaring an interest of either type?

Yes / No

Comments: None.

Response: Noted.

14. When items were debated, how well did the Chairman achieve a fair and balanced discussion?

Completely / Quite well / Partly / Not at All

Comments: None.

Response: This is a good result on one of the most difficult aspects of running a meeting.

15. How well did the Chairman summarise the debate prior to a decision being made?

Completely / Quite well / Partly / Not at All

Comments: The more critical comments made related to the Planning Development Control Committee where, on most occasions, the meeting went from discussion straight to a vote, which appeared a little 'sudden' from the public gallery. On those occasions where the Chairman did provide a summary (the major items), it was very helpful and aided public understanding of the process.

Response: Chairmen are encouraged to sum up where possible. The Planning Development Control Committee is arguably the most difficult in this respect and the Chairman always attempts to sum up the major discussions. The point is noted that it would be helpful to extend this practice to all applications considered (but see response to Q16 below).

16. How clear was the actual decision reached by the meeting on each item?

Completely / Quite well / Partly / Not at All

Comments: Generally, very clear. The Planning DC meeting was more patchy with some decisions coming as something of a surprise

Response: In virtually all cases, the decision reached was clearly understood, which is very important, as this is perhaps the most essential part of any public meeting. Although it appeared that the decision making practices at the Planning DC meeting were not completely understood, there is an explanation on the front cover of the development control schedule, about the status of officer recommendations. The Chairman would not be expected to sum up a relatively straightforward debate, which ended up supporting the officer recommendation, because reasons are given in the schedule as part of the recommendation. Where Member decisions go against the officer recommendation, then reasons should be clearly agreed at the meeting, and are then reproduced in the minutes.

On a positive note, the following comment from one observer was pleasing:-

“...the discussion on one major item was an outstanding example of how thinking behind a complex decision can be made transparent. Every issue was explored, councillors identified the dilemmas and trade-offs and made very clear how they were balancing these things. The Chairman made a significant contribution to the clarity of this discussion. No-one could have failed to have understood why it had been arrived at or to have been impressed by the quality of the discussion.”

17. Overall, to what extent was the debate and decision easy to follow for the lay person?

Completely / Quite well / **Partly** / Not at All

Comment: Generally good, but much use of acronyms by some speakers did not help understanding. The earlier point about knowing exactly who some speakers were and their role also would have helped. Not all the agenda papers were put out on the public seats for one meeting. When raising points in debate, it would be helpful to the public if Members stated the relevant page and paragraph number of the report at the outset.

Response: Given the complexity of some issues, this is a generally pleasing result, but there are clearly areas where practices can be improved and these will be tackled in briefing and training sessions.

OTHER COMMENTS

The meeting table format at Cabinet was not considered very welcoming and it was suggested that either the ‘U’ shape be widened at the top to open up the ‘arena’, or that the top table be extended and run along one of the long sides in the Walton Room.

The latter suggestion would mean that most Members and officers would be in a line, which does not facilitate good discussion. However, the top table in the existing ‘U’ could be widened a little to make the situation more inviting to anyone participating from the public gallery.

There were a few examples of some Members asking questions when the answers were already in the reports, giving the impression that they had not read them. This, of course, should not happen, but Members do receive a considerable amount of written material and, inevitably perhaps, such instances will occur.
