STANDARDS COMMITTEE

4 July 2011

MONITORING OF COMMITTEE PROCEEDINGS BY INDEPENDENT MEMBERS AND PARISH REPRESENTATIVES - RESULTS

REPORT OF CORPORATE DIRECTOR (GOVERNANCE)

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RECENT REFERENCES:

ST 86 – Monitoring of Committee Proceedings – 31 January 2011

EXECUTIVE SUMMARY:

This process was introduced in 2002 and has been repeated every two years. Meetings of Cabinet, Principal Scrutiny Committee, Planning Development Control Committee and Licensing Sub-Committee have been monitored in the past, being those that generate the highest levels of public interest.

As a reminder, the monitoring process involved the Independent Members/Parish Representatives (in various combinations) attending selected committee meetings as members of the public. They were not 'mystery shoppers', as this Committee decided that everyone at the meeting to be monitored should be aware of their attendance and their role, which was to observe proceedings from the public viewpoint and make comments regarding the compliance by Members with the Code of Conduct and other protocols. The exercise also provided a useful opportunity for comment on a number of general 'housekeeping' issues, such as meeting facilities, signage and acoustics.

This year, full Council, Cabinet and two meetings of Planning Development Control Committee (one with a Viewing Sub Committee beforehand) were monitored and, as ever, there were some useful comments made which are considered below.

The questionnaire used is attached as Appendix A to this report for information.

RECOMMENDATIONS:

1   That the Independent Members and Parish Representatives be thanked for undertaking the monitoring of committee meetings, to ascertain the level of compliance with the Code of Conduct and other guidance.

2   That the Committee considers the comments made and decides whether any actions are necessary, beyond those referred to in the report.

3   That the content of this report and any additional comments from the Committee be drawn to the attention of all Group Leaders and chairmen.

<u>STANDARDS COMMITTEE</u>

<u>4 July 2011</u>

<u>MONITORING OF COMMITTEE PROCEEDINGS BY INDEPENDENT MEMBERS AND PARISH REPRESENTATIVES</u>

<u>REPORT OF CORPORATE DIRECTOR (GOVERNANCE)</u>

<u>DETAIL</u>:

1   <u>Introduction</u>

1.1   In summary, the comments of the observers revealed no areas of concern with regard to probity and ethics, and this is a pleasing outcome. However, a few issues more related to the general management and administration of meetings were identified and these are listed below.

2   <u>Council – 24 February 2011</u>

2.1   As an overview of the meeting, the following comment was important:-

‘The Mayor appeared even-handed in his recognition of Councillors wishing to speak……….The CX and Director of Governance appropriately intervened a few times where procedural issues were involved.’

2.2   Other comments made were as follows:-

- The names of Councillors declaring interests should be announced, as the public cannot always see the nameplates from the public gallery.

- A number of Councillors had to declare interests (as part of the budget debate). The division of these to take account of relevant personal/prejudicial interests was well handled.

- There was considerable duplication and repetition during debate.

- It was interesting to note that the observers had timed the discussion on each of the seven Recommended Minutes, which showed that the budget debate had taken the most time at 3 hours 35 minutes, whereas the Sex Establishments legislation took just 2 minutes.

2.3   **Response:** Considering that this was the budget setting meeting of Council, where debate is at its most political and amendments become particularly detailed (all testing our procedures) the comments made are reassuring.

2.4   The point about making it clear who is declaring an interest can be dealt with by the Mayor.

2.5   The comment about too much repetition during debate has been made before and the issue was brought to the attention of Group Leaders and chairmen again last year. There is also a section about managing debate in the annual training sessions for chairmen. Whilst some short term success is often noted following such comments, achieving any permanent improvement in this area remains a difficulty.

3   <u>Viewing Sub-Committee and Planning Development Control Committee –10 March 2011</u>

3.1   The following summary comment was made:-

'Both sessions were well organised and proceeded smoothly under a competent chairman.'

3.2   Other comments made were as follows:-

- The Guildhall meetings information screen showed an incorrect start time, being 30 minutes early.

- There was no flexibility for the public to speak at the last moment, only by prior notification. Also the three minute slot for speakers seemed too short.

- From the back of the Walton Suite, some presentations by officers were difficult to hear and some plans difficult to see.

- After each application was voted up, the Chairman announced whether the recommendation had been upheld or not. It would be useful to the public if the Chairman also confirmed whether that meant planning permission had been refused or granted.

3.3   **Response:** regarding the incorrect start time, there had been the occasional problem with Guildhall staff displaying the time from when a meeting room was booked, which is always earlier than the start time, to allow for preparation. That problem was rectified some time ago and it would appear that this occurrence was simple human error, which was drawn to the attention of the Guildhall Manager.

3.4   The three minute period for public participation is that used by most councils when dealing with planning applications and, with good preparation, most speakers manage to get their key points across. Because planning usually generates high levels of public interest, it has to adopt a more regulated approach to public participation than the Council's other committees (although Licensing & Regulation Committee also has additional controls). The pre-notification system actually helps both supporters of and objectors to applications, because potential speakers are informed by the Public Speaking Co-ordinator about others already registered to speak. That tends to encourage people to work together and prepare their arguments before the day, to maximise the time allowed.

3.5 The points about clarity of plans and hearing officers presentations will be relayed to the Head of Planning Management Control

3.6 The final point will be conveyed to the Chairman to make sure that there is no doubt in the meeting room about what decision has been reached.

4   Cabinet – 16 March 2011

4.1 The key summary statement here was as follows:-

'The direction, arrangements, servicing, papers and conduct was of a high order, with a consistently clear and easily understood decision process.'

4.2 Other comments made related to the need for people to speak directly into the microphone and the clarity of some officer presentations, where there was a tendency to speak too quickly, which was especially unhelpful where complex issues were involved.

3.7 **Response:** there are officer presentation training courses held from time to time, although most officers attending Cabinet meetings are senior and very experienced in this respect. Therefore, all Heads of Teams will be reminded about this point. The comment about speaking into the microphones is something for everyone involved in meetings to note.

4   Planning Development Control Committee (Special Meeting) – 7 April 2011

4.1 This special meeting considered the planning application for a Sainsburys foodstore proposed for Bishops Waltham. The application had generated much support and opposition, with over 300 members of the public in attendance at the meeting. It provided a considerable test for both our procedures and practical meeting arrangements. Therefore, the following summary comment from one of the two observers was particularly important:-

'I felt that this was a good demonstration of the planning system at work.'

4.2 A number of other comments were made as follows:-

- The officer's presentation slides were too small to be seen by many of the audience and there was a temporary IT malfunction.

- At the outset, there was a good explanation by the Chairman of the process to be followed, but one piece of information missing was the likely timing for a recess/comfort breaks.

- Some of the technical advice was difficult to follow but it was well summarised by the Planning and Projects Barrister.

- The abstention from voting by one Member, the significant change of view by another towards the end of the meeting and the use of the Chairman's casting vote to decide the application, were three instances which (although correct in procedural terms) would have benefited from some further explanation.

4.3 **Response:** this meeting was held in the refurbished Bapsy Hall and was the first, large scale committee meeting to benefit from the improved projection, sound system and air conditioning.   The issue regarding the ability to zoom into some of the presentation slides has been noted and highlighted to the appropriate officer. The IT malfunction was a laptop breakdown and this was replaced as soon as possible.

4.4 When planning for the meeting, the need for a clear, initial procedural statement by the Chairman had been identified as essential. In the event, this worked well and there was good public co-operation; in fact, considering the controversial nature of the application, the number of interjections from the public gallery were minimal.

4.5 The point about giving an estimation for a recess/comfort breaks is noted.

4.6 There were many technical aspects to the application and it was reassuring to note that these appeared to the observers as being well summarised by the officers, to aid the understanding of Members and the public.

4.7 When a Member appears to be favouring one outcome and then changes his mind late in the meeting, it can be appreciated how that may cause consternation amongst some of the public. In fact, the Member is acting in accordance with all relevant guidance, in that he is keeping an open mind and not making a final decision until he has heard all of the evidence and arguments, including those from other Members of the Committee.

4.8 Likewise, a Member may abstain, or a Chairman exercise his casting vote in whatever way he chooses, without explanation in either case.

4.9 Of course, there may be occasions when some further comments from the Chairman or an officer about any of these three actions would be helpful to onlookers, to clarify the procedural points. However, that would need to be a judgement made at the time and handled carefully, not least because a less than adequate explanation may give the impression that the Member has acted improperly in some way, which was not the case in these three instances.

OTHER CONSIDERATIONS:

SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLANS (RELEVANCE TO):

An Efficient and Effective Council.

RESOURCE IMPLICATIONS:

None.

RISK MANAGEMENT ISSUES

None

BACKGROUND DOCUMENTS:

 Returns from the Independent Members and Parish Representatives

APPENDICES:

Appendix A – Questionnaire used in Monitoring Exercise

Winchester City Council

STANDARDS COMMITTEE - QUESTIONNAIRE FOR MONITORING MEETINGS

(Please circle the best description)

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

   Further
   Comments……………………………………………………………………………………
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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

   Further
   comments……………………………………………………………………………………
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3. How good were the facilities in the meeting room? (eg seating and, if appropriate, monitors, projector screens etc)

   Excellent / Good / Average / Poor / Very Poor

   Further
   comments……………………………………………………………………………………
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4. Were copies of the agenda available on the public seating?

   Yes / No

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

   Completely / Quite well / Partly / Not at all

   Further comments………………………………………………………………………………
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6. To what extent did the agenda sheet clearly explain the process of public participation?

   Completely / Quite well / Partly / Not at all

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

   Yes / No

   Further comments………………………………………………………………………………
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8. If there was public participation, how did the Chairman deal with it and to what extent were the questions/concerns answered fairly?

Completely / Quite well / Partly / Not at all

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

Completely / Quite well / Partly / Not at all

Further comments……………………………………………………………………………
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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

Further comments……………………………………………………………………………
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11. Following on from question 10 above, and specifically relating to the Planning Committee, to what extent was the Planning Protocol followed (eg: Members of the Committee not voting because of perception of bias/pre-determination or choosing to speak as a Ward Member to advocate a particular view)?

Completely / Quite well / Partly / Not at all

Further comments……………………………………………………………………………
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12. If any Councillors declared an interest, how well was it made clear what the actual interest was (i.e. personal or personal and prejudicial and a brief mention of the circumstances)?

Completely / Quite well / Partly / Not at all

Further comments…………………………………………………………………………………… …… …… ……

13. Did any Member leave the room after declaring an interest of either type, perhaps after making a statement under Public Participation as permitted by the Code of Conduct?

Yes / No

Further comments…………………………………………………………………………………… …… …… ……

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

Completely / Quite well / Partly / Not at all

Further comments…………………………………………………………………………………… …… …… ……

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

Completely / Quite well / Partly / Not at all

Further comments…………………………………………………………………………………… …… …… ……

16. How clearly did you understand the actual decision reached by the meeting on each item?

    Completely / Quite well / Partly / Not at all

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

    Completely / Quite well / Partly / Not at all

    Further comments……………………………………………………………………………
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OTHER COMMENTS:

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