

Council



Forest Heath
District Council

Title of Report:	Review of the Constitution: Recommendations from the Joint Constitution Review Group	
Report No:	COU/FH/16/007	
Report to and date:	Council	24 February 2016
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Purpose of report:	To present to Members revised wording in the Forest Heath District Council Constitution in relation to: (a) <u>Part 3 - Functions and Responsibilities; Section 2 – Responsibility for Council Functions</u> - C. Other Committees C.4 - West Suffolk Joint Emergency Planning Panel C.6 - West Suffolk Joint Health and Safety Panel C.7 - West Suffolk Joint Staff Consultative Panel (b) <u>Part 4 - Rules of Procedure – Council Procedure Rules</u> - Section 6 – Public Question Time (c) <u>Part 4 - Rules of Procedure – Committee Procedure Rules</u> - Section 11 – Public Speaking	

Recommendation:

It is **RECOMMENDED** that Council approves the following amendments to the Forest Heath District Council Constitution:

(1) **Part 3 - Functions and Responsibilities;**
Section 2 – Responsibility for Council
Functions; C. Other Committees; C.4 - West
Suffolk Joint Emergency Planning Panel;C.6
- West Suffolk Joint Health and Safety
Panel;C.7 - West Suffolk Joint Staff
Consultative Panel

(a) That Sections C.4, C.6 and C.7 be amended, for reasons of clarity, to reflect the position with regard to the public access to these meetings and that the following wording be incorporated within these Sections:

"These meetings are not governed by the normal Access to Information rules (The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012) in both Councils.

(b) That additional wording be included on the agenda papers for these Panels to confirm that these meetings are not open to the public and that any recommendations which arise from these meetings will be reported onto Cabinet/Council, where required to do so.

(2) **Part 4 - Rules of Procedure – Council**
Procedure Rules; Section 6 – Public
Question Time

That an additional new paragraph 6.2 be added to Section 6 - Public Question Time as follows:

6.2 *A person who wishes to speak must register at least fifteen minutes before the time the meeting is scheduled to start. This can be done online by sending the request to democratic.services@westsuffolk.gov.uk or telephoning 01284 757120/01638 719363 or in person by telling the committee administrator present at the meeting.*

	<p>(3) <u>Part 4 - Rules of Procedure – Committee Procedure Rules; Section 11 – Public Speaking</u></p> <p><i>That additional paragraphs 11.5 and 11.6 be added to Section 11 – Public Speaking, as follows:</i></p> <p>11.5 <i>These public speaking rules do not apply to meetings of the Development Control Committee, as the Committee has its own authority to determine from time to time, its own arrangements for public speaking on applications, and which matters are to be included within those arrangements (see Part 3 – Functions and Responsibilities; Section 2 – Responsibility for Council functions; A - Development Control; paragraph 4.2 and as set out in the 'Guide to Having a Say on Planning Applications')</i></p> <p>11.6 <i>These public speaking rules do not apply to meetings of the Licensing and Regulatory Committee, when the Committee sits as a hearing, in which case the Hearing Procedure Rules will apply (Part 3 – Functions and Responsibility; Section 2 – Responsibility for Council Functions; B-Licensing; paragraph 4.1 and Appendix A).</i></p>
<p>Key Decision:</p> <p><i>(Check the appropriate box and delete all those that <u>do not</u> apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>
<p>Consultation:</p>	<ul style="list-style-type: none"> The Joint Constitution Review Group has been consulted on the form of these proposed amendments.
<p>Alternative option(s):</p>	<ul style="list-style-type: none"> No other options have been considered.
<p>Implications:</p>	
<p><i>Are there any financial implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p><i>Are there any staffing implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p><i>Are there any ICT implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>

<i>Are there any legal and/or policy implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/>	
<i>Are there any equality implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Confusion, mistakes and challenge if the Constitution does not reflect actual Council and Officer practice	High	Ensuring that any anomalies are corrected and the adoption of revisions to correct those anomalies	Low
Ward(s) affected:		Not applicable	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		None	
Documents attached:		Appendix A - Proposed new Section 6 of the Council Procedure Rules (Public Question time). Appendix B - Proposed new Section 11 of the Committee Procedure Rules (Public Speaking).	

1. Key issues and reasons for recommendation(s)

1.1 Background

1.1.1 At its meeting on 3 February 2016, the Joint Constitution Review Group had been made aware by Officers of some operational anomalies within the Constitution in relation to the following Sections:

- (a) Part 3 - Functions and Responsibilities; Section 2 – Responsibility for Council Functions
 - C. Other Committees
 - C.4 West Suffolk Joint Emergency Planning Panel
 - C.6 West Suffolk Joint Health and Safety Panel
 - C.7 West Suffolk Joint Staff Consultative Panel
- (b) Part 4 - Rules of Procedure – Council Procedure Rules
Section 6 – Public Question Time
- (c) Part 4 - Rules of Procedure – Committee Procedure Rules
Section 11 – Public Speaking

and following this meeting, the Review Group have now made the following recommendations.

1.2 Part 3 – Functions and Responsibilities; Section 2 – Responsibility for Council Function – C. Other Committees

1.2.1 As the following Joint Panels are not defined as “decision-making bodies” they are not covered under the Access to Information Rules. Therefore, the public do not have a right of attendance at its meetings. However, the Council has previously taken the decision to publish these agendas on its website for information/transparency:

- (a) West Suffolk Joint Emergency Planning Panel
- (b) West Suffolk Joint Health and Safety Panel
- (c) West Suffolk Joint Staff Consultative Panel

1.2.2 The publication of these agendas, has in the past, led to some confusion with regard to the public being able to attend.

1.2.3 **Therefore, to avoid any doubt with regard to the public attendance at these meetings, the Group recommends that Sections C.4, C.6 and C.7 be amended, for reasons of clarity, to reflect the position with regard to the public access to these meetings and that the following wording be incorporated within these Sections:**

***“These meetings are not governed by the normal Access to Information rules (The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012) in both Councils.*”**

1.2.4 **The Group also recommends that additional wording be included on the agenda papers for these Panels to confirm that these meetings are**

not open to the public and that any recommendations which arise from these meetings will be reported onto Cabinet/Council, where required to do so.

[Note: As Cabinet/Council are 'decision making bodies', their meetings are subject to the Access to Information Rules, therefore, allowing the public to attend]

1.3 **Part 4 - Rules of Procedure – Council Procedure Rules - Section 6 – Public Question Time**

1.3.1 The Council Procedure Rules allow for members of the public who live or work in the District to put questions about the work of the Council to members of the Cabinet or any Committee.

1.3.2 The Constitution states that written questions, detailing the full question to be asked, may be submitted by members of the public to the Service Manager (Democratic Services and Elections) no later than 10.00 am on the previous working day to the meeting of the Council.

1.3.3 The Constitution does not, however, state any deadline for registering to speak at Council meetings, other than with a written question. This has, on occasion, caused some last minute alterations to the arrangements for the Council meeting.

1.3.4 **Therefore, to ensure that there is a clear deadline for registering to speak at Council meetings, the Group recommends that an additional new paragraph 6.2 be added to Section 6 - Public Question Time as follows:**

"6.2 A person who wishes to speak must register at least fifteen minutes before the time the meeting is scheduled to start. This can be done online by sending the request to democratic.services@westsuffolk.gov.uk or telephoning 01284 757120/01638 719363 or in person by telling the committee administrator present at the meeting."

1.3.5 This proposed amendment would also be in line with the rules for Public Speaking at Committees, as set out in Section 11 of the Committee Procedure Rules.

1.3.6 Appendix A to this report sets out in full, the proposed new Section 6 of the Council Procedure Rules. The rules for public speaking will also be set out within the Council agenda papers.

1.4 **Part 4 - Rules of Procedure – Committee Procedure Rules - Section 11 – Public Speaking**

1.4.1 The Committee Procedure Rules allow for members of the public who live or work in the District to speak at any open meeting of a committee or sub-committee. They may ask a question or make a statement on any item on the agenda for that meeting.

- 1.4.2 There are also separate public speaking rules for meetings of the Regulatory Committees (ie the Development Control Committee and the Licensing and Regulatory Committee (when it sits as a hearing)).
- 1.4.3 As the public speaking rules within the Committee Procedure Rules do not apply to meetings of the Regulatory Committees, it was considered that further reference was needed within the Committee Procedure Rules to explain these separate rules.
- 1.4.4 ***Therefore, for clarity purposes, the Group recommends that additional paragraphs 11.5 and 11.6 be added to Section 11 – Public Speaking, as follows:***
- "11.5 These public speaking rules do not apply to meetings of the Development Control Committee, as the Committee has its own authority to determine from time to time, its own arrangements for public speaking on applications, and which matters are to be included within those arrangements (see Part 3 – Functions and Responsibilities; Section 2 – Responsibility for Council functions; A - Development Control; paragraph 4.2 and as set out in the ['Guide to Having a Say on Planning Applications'](#))***
- 11.6 These public speaking rules do not apply to meetings of the Licensing and Regulatory Committee, when the Committee sits as a hearing, in which case the Hearing Procedure Rules will apply (see Part 3 – Functions and Responsibility; Section 2 – Responsibility for Council Functions; – B-Licensing; paragraph 4.1 and Appendix A)."***
- 1.4.5 Appendix B to this report sets out in full, the proposed new Section 11 of the Committee Procedure Rules.