

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	COUNCIL	5 FEBRUARY 2018	13
<b>CONTITUTION AMENDMENTS - PUBLIC SPEAKING</b>			

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

At the meeting of the Audit and Standards Committee in January 2018, the committee considered the arrangements for public speaking at Council and its committees. The committee had previously considered two reports on the matter in June 2017. The first related to public speaking at Planning Committee and the second to more general public speaking arrangements at committees. The matter was deferred in June 2017 for further consideration and was re-presented to the committee in January for debate and decision. The recommendations of the Audit and Standards Committee are before Council for decision.

### RECOMMENDATION

Approve the adoption of Article 15 - Public Speaking at meetings of the Council and its Committees, as outlined in appendix 1, and to make the necessary changes to the constitution to reflect this adoption.

### SUMMARY OF PREVIOUS DECISIONS

[Public Speaking - January 2018](#)

[Public Speaking at Planning Committee - June 2017](#)

[Public Speaking Review - June 2017](#)

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	✓
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	✓
Working with all partners ( <b>Vibrant Economy</b> )	✓
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	✓
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	✓

### REPORT

1. A number of options were presented to the Audit and Standards Committee for consideration that would in effect, amend the current public speaking arrangements.
2. Having given the proposals due consideration the Audit and Standards Committee recommend to Council that no changes are made to public speaking arrangements for Council or its committees.
3. The Committee however recognised the arrangements for public speaking are not clearly set out in the constitution and recommend that Council approves the adoption of a new article which would put all the

arrangements in one place, at the same time ‘tidying up’ the Council’s Procedure Rules (Part 4 of the constitution) to reflect the change.

4. In regards to speaking arrangements at Planning Committee, a number of changes were originally proposed. However these proposals did not find resonance with the Audit and Standards Committee, and following a further dialogue with the Chairman of Planning Committee and officers, this was acknowledged. As a result all the proposals for change were withdrawn, with the exception of the proposal relating to arrangements for Town and Parish Councils. As a result one proposal relating to the arrangements where a Town and Parish Council has requested that a matter, otherwise determined under delegated authority, be considered by the Planning Committee. On this point the Audit and Standards Committee determined to consult with the District-Parish Liaison Group so no proposals are brought before council at this time in this regard.
5. There is, however, a need to enshrine speaking rules for Planning Committee within the Constitution, as they are not currently included in the Constitution simply as a public leaflet, and the rules as they stand at present, have been formalled into wording to be incorporated within the Constitution and these are attached as appendix. In presenting these, it should be noted that there are no changes proposed to the existing arrangements.

IMPLICATIONS	
Finance	No direct implications
Legal	No direct implications
Community Safety	No direct implications
Human Rights and Equalities	No direct implications
Sustainability and Environmental Impact	No direct implications
Health & Safety and Risk Management	No direct implications

LEAD AUTHOR	CONTACT DETAILS	DATE
Tracy Morrison	Email <a href="mailto:tracy.morrison@fylde.gov.uk">tracy.morrison@fylde.gov.uk</a> & Tel 01253 658521	22 January 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection

Attached documents

Appendix 1 - Article 15 – Public Speaking at meetings of the Council and its Committees

## **Article 15 – Public Speaking at meetings of the Council and its Committees**

### **15.0 Questions from Members Of The Public At Full Council Meetings**

- 15.01 Any resident of the council's district may, subject to 15.02, may ask a question at an ordinary meeting of the council.
- 15.02 Questions will only be asked under 15.01 if:
- (i) the person who wants to ask the question has given it in writing to the Director of Resources before 4.30 p.m. on the fourth working day before the meeting (this means that if the meeting is to be held on a Monday, the question must be given before 4.30pm on the Tuesday before);
  - (ii) the question will take no longer than two minutes to ask; and
  - (iii) at the time the question is given to the Director of Resources, no more than four questions to be asked under this rule at the meeting concerned have previously been given to her.
- 15.03 The leader of the council will be given at least 24 hours' notice of any questions to be asked under this rule.
- 15.04 The question will be answered by the Leader of the Council or any other member nominated by them, so long as that member has consented before the meeting.
- 15.05 The person who has asked the question may then ask one supplementary question, which must arise out of the answer given to the original question and take no longer than two minutes to ask, and the member who answered the original question must answer the supplementary question.
- 15.06 No debate will be allowed arising out of a question asked or answer given under this rule.
- 15.07 No person may ask more than one question under this rule (excluding supplementary questions under 15.05) at any meeting.
- 15.08 If a person who has given a question to the Director of Resources as provided under 15.02 is unable to attend the council meeting to ask it, the Leader of the Council must arrange for a written answer to the question to be given to the person who has submitted it.

### **15.1 Public Platform**

Public Platform is an opportunity for people who live or work in the council's district to put their point of view to a committee about matters within its terms of reference. The first fifteen minutes of each meeting of each programme committee, will be available for Public Platform. Public Platform will be conducted as set out below.

- (a) The chairman will begin the meeting by inviting any person (other than a councillor) who is present at a meeting and lives or works in the council's district to address the committee about any matter within the committee's terms of reference.
- (b) If he considers that Public Platform may be oversubscribed, the chairman will give priority to members of the public who wish to speak about items on the agenda of the meeting.
- (c) No person may address the meeting for longer than three minutes.
- (d) The committee will listen to a speaker in silence and, if the matter raised by the speaker relates to an item on the agenda for that meeting, may address any point raised by a speaker when the item to which it relates is discussed.
- (e) The chairman may require a person addressing the meeting to stop speaking if he considers that the speaker is behaving in a manner that is insulting, offensive or inflammatory.
- (f) The chairman may extend the time allocated for Public Platform if he considers that doing so would assist the committee in its deliberations.

## 15.2 Planning Committee

1. Speakers **must** apply in advance of the meeting, no later than 12.30pm on the Monday prior to the meeting. This can be done in writing (or email to [democracy@fylde.gov.uk](mailto:democracy@fylde.gov.uk) ) or by telephone to Democratic Services (tel: 01253 658658).
2. When registering, speakers **must** specify which planning application they wish to speak about and whether they are in support or against the application.
3. No speaking is permitted in support of an application, where an application is recommended by officers for approval.
4. An applicant has an automatic right of reply where a public speaker has registered to speak in objection to the application.
5. Only one speaker per household is permitted.
6. All public speakers will be heard at the start of the meeting regardless of where the application is on the agenda.
7. Public speaking is limited to no more than 3 minutes per person.
8. Repetitious statements will not be permitted.
9. If there are a number of people interested in speaking about an application, speakers are encouraged to appoint a spokesperson or ask their ward councillor(s) to represent them.
10. Town, Parish and County Councillors wishing to speak at committee, on behalf of their residents, need to pre-register as above and are limited to three minutes.
11. Ward Councillors should indicate prior to the meeting whether they wish to address the committee and are not limited to three minutes. Ward Councillors are reminded that where they are directly affected by the planning application, this would be considered as having a prejudicial interest and in these cases, they would be limited to three minutes. Members who are unsure whether they have an interest should discuss the matter with the Monitoring Officer at least 24 hours prior to the meeting.

**Please note** – If, having spoken on an application, the committee decides to defer the application for further information or amendment, speakers will not be permitted to speak again on the application [when it returns to committee] unless it has been significantly amended. In that case, any further opportunity to speak is limited to the amended detail, and not to the application generally.

## 15.3 Public speaking at the Licensing Committee

The Licensing Act 2003 dictates who can address Licensing Committee and public speaking is limited to those members of the public who have made representations within the prescribed timeframe in regards to a specific license.

Please contact the licensing team for further details [licensing@fylde.gov.uk](mailto:licensing@fylde.gov.uk)