

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	AUDIT AND STANDARDS COMMITTEE	18 JANUARY 2018	6
PUBLIC SPEAKING			

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 June 2017, two reports were considered. The first related to public speaking at Planning Committee and the second to more general public speaking arrangements at committees.

With respect to public speaking at the Planning Committee, the Chairman proposed that the report be deferred to a future meeting and the committee agreed to defer the matter to a future meeting.

The second report, introduced options for a review of public speaking arrangements at committees. The context of this being that a governance review was undertaken in early 2016 by way of an online consultation with members and officers, together with a review conducted by the Institute of Local Government at the University of Birmingham ('INLOGOV'). An interested member of the public had also submitted views for consideration.

During the course of the discussion it was moved that the item be deferred until a decision had been made on the public speaking at Planning Committee matter.

Both these matters are now re-presented to the Committee for debate and decision.

RECOMMENDATIONS

1. Incorporate the public speaking procedures for Planning Committee into the constitution and consider proposed changes relating to requests made by Town and Parish Councils for applications under delegated authority to be determined by the committee as set out within paragraph 3 of the report.
2. To capture all arrangements for public speaking across the Council and its various committees into one composite section within the Constitution and commend the same to Council.

SUMMARY OF PREVIOUS DECISIONS

[Public Speaking at Planning Committee](#)

[Public Speaking Review](#)

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

REPORT

Public Speaking: Planning Committee

1. A number of changes were proposed with respect to proposed speaking arrangements at Planning Committee. 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 is acknowledged. As a result all the proposals for change have been withdrawn, with the exception of arrangements for Town and Parish Councils.
2. In this regard it was previously suggested that where a Town and Parish Council had requested that an application that would have otherwise have been determined under delegated authority be referred to committee instead, that the town and parish council should send a representative as a public speaker. Previously it was suggested that if the Town or Parish Council were not represented, that Chairman should move the item, without debate, to the vote in line with officers' recommendations. The Audit and Standards Committee is invited to consider adopting this rule with the proviso that it would only be referred to the vote without debate if either the Town or Parish Council were not in attendance, together with any other local speakers.
3. There is a need to enshrine speaking rules for Planning Committee within the Constitution and the rules as they stand at present, have been formailed into wording to be incorporated within the Constitution and these are attached as appendix. With respect to point 2 above, words on this particular point, if members wished to adopt this proposal, the following words would need to be incorporated within the rules:
4. *"Where a Town or Parish Council has requested that an application, that would have otherwise have been determined under delegated authority, be referred to Planning committee instead, the Town or Parish Council should send a representative as a public speaker. If the Town or Parish Council is unable to provide a representative (and there are no other local speakers), the Chairman will move the recommendation without debate"*

Public Speaking: In General

5. A number of options were previously presented to the Audit and Standards Committee for consideration that would in effect, amend the current public speaking arrangements. Proposals were presented about pre-registration to speak at programme committee meetings, public platform comments being restricted to the subject matters contained within the agenda papers of the meeting in hand and public platform being extended to other committees.
6. These options are set out below.
 - Pre-registration – speaker would be required to register prior to committee – suggested 24 hours prior*
 - Comments confined to agenda items – public speakers would have to limit their comments to items on the agenda only*
 - Public platform extended to Audit and Standards committee*
 - Or a mixture of the above options – for example pre-registration, public platform extended to Audit and Standards and speakers can speak on anything within the committee's remit*
7. Current arrangements for public speaking at meetings of the Council have been drawn together into one proposed section of the constitution for ease of reference. This is attached for member's consideration.
8. If members wished to adopt any of the suggestions previously presented as a result of the previous consultation on this matter, it would be open to make any suggested amendments as felt necessary.

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 tracy.morrison@fylde.gov.uk & Tel 01253 658521	15 th December 2017

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) 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