



Council

Thursday, 11 July 2019

Review of Public Speaking at Cabinet and Council

Report of the Executive Manager Finance and Corporate Services

Portfolio Holder for Strategic and Borough Wide Leadership Councillor S Robinson

1. Purpose of report

- 1.1. Changes to the Constitution, agreed at Council in March 2018, saw the introduction of Citizens' Questions at both Cabinet and Council, as well as Opposition Group Leaders' Questions at Cabinet, for a trial period of twelve months.
- 1.2. This report outlines the use of the public speaking protocol (locally entitled Citizens' Questions and Opposition Group Leaders' Questions) over the last twelve months and highlights any issues encountered. It also recommends the formal adoption of the protocol, absorption into the Constitution, and a slight change to the timing for submission.

2. Recommendation

It is RECOMMENDED that:

- a) Council formally adopts the public speaking protocol, Citizens' Questions and Opposition Group Leaders' Questions, and instructs the Monitoring Officer to amend the Constitution accordingly.
- b) The deadlines relating to the submission of Citizens' Questions be revised to mirror those of Opposition Leaders' Questions and be reflective of those in place for Planning Committee.

3. Reasons for Recommendation

- 3.1. The Council is keen to be transparent in its operation and decision-making. Opening further channels of communication is fundamental to achieving this goal.

4. Supporting Information

- 4.1. Citizens' Questions at both Cabinet and Council, and Opposition Group Leaders' Questions at Cabinet, were approved in March 2018 for a trial period of twelve months. The agreed, and publicised, guidelines for Citizens' Questions are included at Appendix One for information. The agreed guidelines for Opposition Group Leaders' Questions are included at Appendix Two for information.

- 4.2. Over the course of the last twelve months, one Citizens' Question has been asked at Council (September 2018).
- 4.3. Since the adoption of Citizens' Question, four questions have been submitted for Cabinet (July 2018 and February 2019). An additional question was submitted in September 2019 but this meeting was cancelled and the question was asked at Council in September instead.
- 4.4. During the last twelve months, two Opposition Group Leaders' Questions have been asked at Cabinet.
- 4.5. A breakdown of the questions asked is provided at Appendix Three for information.
- 4.6. The number of questions submitted compares favourably to the numbers submitted to other councils who operate public speaking at Cabinet and Council.
- 4.7. The deadlines for submitting questions are publicised on the Council's website. Some additional marketing of the scheme has been done via Rushcliffe Reports, the Council's website and through its social media channels.
- 4.8. Officers from Democratic Services have supported the scheme by liaising with the questioners in advance of the meeting to ensure that they are familiar and comfortable with the procedure for the meeting. They have also worked with one questioner to redraft a question in advance of the question being included on the agenda. The questioner appreciated this support and the revised question was submitted.
- 4.9. The only criticism of the scheme as it currently stands is that the deadline for the submission of questions from citizens precedes the publication of the agenda. Whilst questions can be submitted on any subject which falls within the remit of the Council, there have been two examples of members of the public feeling that they would have submitted a question had they known a particular item was going to be discussed at the meeting. The deadlines for public speaking at Cabinet and Council are also out of line with the deadlines for public speaking at Planning Committee (scheme adopted in June 2017).

5. Alternative options considered and reasons for rejection

- 5.1. Following the trial year, it would be possible to remove Citizens' Questions at both Council and Cabinet, and Opposition Group Leaders' Questions at Cabinet. However, this would limit the opportunities of local people to get involved in democracy and be counter to the Council's aim to increase transparency and openness in its decision making process.

6. Risks and Uncertainties

- 6.1. There are risks involved in allowing public speaking at Cabinet and Council. These are mainly connected with the time people can speak for and the topics which they can cover. Both of these aspects are covered by the protocol. The greater risk is in not allowing public speaking in light of the Council's goal to increase transparency in decision-making.

7. Implications

7.1. Financial Implications

7.1.1. There are no financial implications to adopting Citizens' Questions at both Cabinet and Council or Opposition Group Leaders' Questions at Cabinet.

7.2. Legal Implications

7.2.1. There are no legal implications to adopting Citizens' Questions at both Cabinet and Council or Opposition Group Leaders' Questions at Cabinet. The recommendation supports increased transparency.

7.3. Equalities Implications

7.3.1. There are no equalities implications.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

7.4.1. There are no Section 17 implications to adopting Citizens' Questions at both Cabinet and Council or Opposition Group Leaders' Questions at Cabinet.

7.5. Other implications

7.5.1. There are no other implications to adopting Citizens' Questions at both Cabinet and Council or Opposition Group Leaders' Questions at Cabinet.

8. Link to Corporate Priorities

8.1. The formal adoption of Citizens' Questions at both Cabinet and Council, and Opposition Group Leaders' Questions at Cabinet supports the Council's second Corporate priority:

- Maintaining and enhancing our residents' quality of life

9. Recommendations

It is RECOMMENDED that

- (a) Council formally adopts the public speaking protocol, Citizens' Questions and Opposition Group Leaders' Questions, and instructs the Monitoring Officer to amend the Constitution accordingly.
- (b) The deadlines relating to the submission of Citizens' Questions be revised to mirror those of Opposition Leaders' Questions and be reflective of those in place for Planning Committee.

For more information contact:	Peter Linfield Executive Manager - Finance and Corporate Services Tel: 0115 9148439 plinfield@rushcliffe.gov.uk
Background papers available for Inspection:	Report to Council 8 March 2018 'Review of the Constitution'
List of appendices:	Appendix 1 – Guide to speaking at Council and Cabinet meetings

Guide to speaking at Council and Cabinet meetings

What are citizens' questions?

- Citizens' Question is the opportunity at the beginning of each meeting of the Council's Cabinet and each ordinary meeting of Full Council for citizens to ask questions about the council or the services it provides. It is a key part of the Borough Council's commitment to transparency, openness and accessibility in the democratic process.
- The question session lasts for 15 minutes and is open to residents who live in the Borough or business owners who have a business address in the Borough but are not Rushcliffe residents (this opportunity is not extended to employees of businesses in the Borough who are not residents).
- The following guidelines have been introduced to help Citizens' Questions run smoothly and to be of maximum benefit to the public.

How do I ask a question?

- Questions for Citizens' Questions need to be submitted in advance of either the Cabinet or Council meeting at which you would like to ask your question. Please see the table at the bottom of the page for a list of meeting dates and deadlines for submitting your question.
- Your question must be submitted in writing to Democratic Services, by email: democraticservices@rushcliffe.gov.uk or by letter to Democratic Services, Rushcliffe Borough Council, Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham, NG2 7YG.
- You need to give us your name, address (or that of your Borough based business) and e-mail (please note that your contact details will not be disclosed without your permission).

How many questions can I ask?

- There is a limit of one question per citizen at each meeting.

What can I ask?

- Your question must be relevant to some matter in which the Council has powers or duties. They should be limited to one subject, but may have more than one part.

- Your question should avoid detailed individual service issues (such as why a particular refuse bin has not been collected) as there are other ways of raising this kind of issue.
- Questions relating to specific planning or licensing applications cannot be accepted as there are other ways of raising these e.g. objecting to the application.
- Questions may be rejected by the Chief Executive, in consultation with the Leader (at Cabinet) or the Mayor (at Council), for the following reasons:
 - The question relates to an issue that is not a Council responsibility
 - The question is defamatory, vexatious, or offensive
 - The question is similar to or has already been asked in the last 6 months
 - Where a response would disclose confidential or exempt information
 - Where a response would relate to matters currently under investigation
 - Where a response would relate to a matter where Council has a quasi-judicial or regulatory role.
- Officers in our Democratic Services team will provide every assistance to any individual wishing to ask a question, including assistance with the wording or writing of the question if requested. For further information email democraticservices@rushcliffe.gov.uk or telephone 0115 9148511.

Can I ask the question in person at the Cabinet or Council meeting?

- Yes, you may attend a meeting to present your question in person. You will be limited to the wording of the question as it has been submitted. If you prefer, your question can be read out by the Leader (at Cabinet) or the Mayor (at Council). However, you will be invited to the meeting to hear the response given. The meeting usually follows the order as printed in the agenda, but the Leader (at Cabinet) or the Mayor (at Council) may alter the order of the agenda at the meeting.

Who will respond to my question?

- Your question will be answered by the most relevant Portfolio Holder (that is the Cabinet member who has special responsibility for the service or topic to which the question relates) or one of our Scrutiny Committee Chairmen. The Leader (at Cabinet) or the Mayor (at Council) will ask the most appropriate person to respond to your question.

Who decides what questions are answered?

- The Leader (at Cabinet) or the Mayor (at Council) will determine which questions are to be answered at the meeting (in accordance with the guidelines for questions above). If more questions are received than can be answered in the time allocated (up to fifteen minutes), written answers will be sent to all questions not dealt with at the meeting and copies of written

answers will be available to all members of the Borough Council and published on the Council web site.

- No discussion will be held on any question or answer.
- The minutes of the meeting will record the name of the questioner, what the question was about, the name of the Councillor answering the question and details of the answer given. Minutes are available after the meeting and can be viewed on the Council's website and at the Council offices.

Need help?

- If you have any additional questions, or you would like to talk to someone about the Citizens' Questions arrangements, Democratic Services staff will be very happy to help via email democraticservices@rushcliffe.gov.uk or on 0115 9148511.

Draft Model for Opposition Groups' Questions at Cabinet

1. Each opposition group Leader (or nominee) can ask one question relevant to an agenda item.
2. Five minutes in total for each question and answer (including any supplementary and answer).
3. Questions received 3 working days before the meeting.
4. Questions dealt with in order received.
5. Leader can direct who shall answer the question.
6. Question can be rejected for good reason (as per rejection criteria for Citizens' Questions).
7. No debate on the question, but responder can refer it to another Council body.
8. One supplementary question is allowed directly relevant to the original question.

Citizens' Questions at Council

Meeting	Number of questions submitted
26 April	0
24 May	*
26 July	0
27 September	1
6 December	0
7 March	0
21 May	*

*Questions cannot be asked at the Annual Council Meeting.

Council – 27 September 2018

The following question was submitted by Alan R Harvey.

“The Cabinet’s approval of the creation of an LLP between RBC Enterprises Ltd and PSP Facilities Ltd will influence decisions relating to the future of Council-purchased and other land, local infrastructure and the economy across the borough. Taking into account that the LLP will effectively be a commercial enterprise and not subject to all of the transparency required for local government governance, will the Council give a public assurance that any considerations of the LLP that affect or apply to parts of the borough will be the subject of notification and consultation to the local established Town/ Parish/Meeting bodies, or where such a body does not currently exist, direct consultation with the public or some other body for this purpose?”

In Mr Harvey’s absence the question was read out by the Mayor.

Councillor Edyvean provided the following response.

“Any projects undertaken by the LLP will be subject to sign off by Cabinet. The Council can give public assurance that it will continue to make decisions in line with the Council’s constitution which includes consultation with relevant bodies as appropriate.”

Citizens' Questions at Cabinet

Meeting	Number of questions submitted
10 April	*
15 May	0
12 June	0

10 July	3
11 September	1*
9 October	0
13 November	0
11 December	0
15 January	*
12 February	1
12 March	0
9 April	*
14 May	*

*Meeting cancelled

Cabinet - 10 July 2018

a) Question from Carys Thomas to Councillor Upton

“Why has outline planning permission for the land South of Clifton not yet been granted, despite the fact that authority to do so was delegated to the Executive Manager (Communities) on 25 January 2018? Delay on this site is negatively affecting the housing land supply calculations, meaning that East Leake is subject to explosive housing growth far in excess of the minimum level stated in the Core Strategy.”

Councillor Upton responded that the granting of planning permission was dependent on the signature of the associated Section 106 Agreement. It was noted that the agreement was substantially complete and was currently with the applicants solicitors for final agreement. It was anticipated that outline planning permission would be granted in the near future.

Councillor Robinson noted that he and the Chief Executive had recently met with the applicant and developers and that they were keen to proceed with outline planning permission as soon as possible.

b) Question from Conrad Oatley to Councillor Upton

“Why is the Council taking so long to implement CIL? Are you aware that while you are delaying this, the pooling rules mean that East Leake is losing large amounts of developer S106 contributions which could be used for much needed infrastructure such as a new Health Centre and sports pavilion?”

Councillor Upton noted that the Council’s proposals for the introduction of the Community Infrastructure Levy (CIL) would be discussed at that evening’s Cabinet meeting. It was noted that the introduction of CIL had been linked to the work associated with the development of the Local Plan Part 2 which still required further consultation and external examination before its adoption.

It was also noted that the Council had supported East Leake Parish Council by objecting to several planning applications but that these applications had been granted on appeal. Councillor Upton advised that planning applications that had

already been approved could not be made retrospectively liable for CIL, but that the Council would progress to implement CIL as fast as it reasonably could if the first initial steps to enable the process to implement CIL were approved by Cabinet later that evening.

c) Vivien Stickland to Councillor Debbie Mason

“Could you advise how the Council ensures that it meets its Public Sector Equality Duty under the Equality Act across all Council departments, and has it ever failed to meet this requirement? In addition could you also advise how progress in this area is monitored and reported to Councillors.”

Councillor Mason responded that the Council ensured that all employees received equality awareness training. It was also noted that the Council ensured that the Council paid due regard to its Equality Duty. Councillor Mason advised that the Council also produced Equality Impact Assessments when considering new policies and initiatives. It was noted that the Council also had an Equalities scheme which set out the aims of the Council, what the Council had achieved and what the Council’s objectives were in the future with regard to equalities. Councillor Mason advised that all relevant and monitoring data was reported back to the Performance Management Board on an annual basis and was available for the public to view on the Council’s website. It was noted that every public sector organisation was working hard to ensure that the equality requirements were met.

Cabinet – 12 February 2019

The following Citizen question was submitted by Ms Carys Thomas.

“Authority to grant outline planning permission for the land South of Clifton was delegated to the Executive Manager (Communities) on 25 January 2018, so the Council’s decision to grant permission is now hurtling towards its first birthday. Why has the planning permission not yet been granted? Every delay worsens the prospects for attaining/maintaining the 5-year housing land supply you require and moves more projected completions beyond the current plan period, meaning that additional sites have to be found elsewhere. I understand that a government grant was awarded to help provide roads for the Clifton development – is there a time limit for spending it?”

In the absence of Ms Thomas, the question was asked by the Monitoring Officer.

Councillor Upton provided the following response.

“The delivery of this strategic site has been, and continues to be, a top priority of the Council.

Officers worked hard to get Council approval to the development, which was achieved at the Planning Committee in early 2018 subject to the completion of a Section 106 agreement.

Over the last 12 months officers have been engaged with the lead developer in finalising this agreement so the permission can be issued.

Despite officers' hard work, the completion of the Section 106 agreement is outside the control of the Council and relies on the agreement of the consortium of landowners. This situation is not unusual for large complex sites that require significant long term investment.

It is hoped that in the very near future the Section 106 agreement can be completed and then further detailed planning applications can be progressed for the delivery of the housing, employment and the required infrastructure.

We continue to work closely with Homes England who understand the difficulties we are facing and are seeking to provide appropriate support officer and financial support. Like many authorities we still await formal feedback from them in relation to the Housing Infrastructure Grant provisionally identified for the site.

In summary, can I assure you that the delivery of this site remains a top priority of the Council.”

Opposition Group Leaders' Questions at Cabinet

Meeting	Number of questions submitted
10 April	*
15 May	1
12 June	0
10 July	0
11 September	*
9 October	0
13 November	0
11 December	0
15 January	*
12 February	1
12 March	0
9 April	*
14 May	*

*Meeting cancelled

Cabinet – 15 May 2018

Question from Councillor A MacInnes to Councillor S Robinson

“What plans are being made for training on commercialism for backbench members who have a general interest in the subject but particularly for the benefit of members

of the Corporate Governance Group who have an increasing responsibility for the scrutiny of newly acquired investment properties and the management of the Asset Investment Strategy?”

Councillor Robinson responded by stating that the Member Development Group at its next meeting would consider training and development needs for the year 2018/19. Councillor Robinson also stated that any additional needs that had arisen from the Corporate Peer Challenge were incorporated in the action plan and therefore would be considered so that appropriate training could be arranged.

Cabinet – 12 February 2019

Question from Councillor A MacInnes to Councillor G Moore

“What progress is being made on: a) the relocation of the Councils recycling2go service to Nottingham City Eastcroft Depot, b) Streetwise in finding an alternative site, and c) the decontamination of the Abbey Road site so that it can be developed for housing?”

The Portfolio Holder for Finance provided the following response.

A joint working group (Rushcliffe and Nottingham City) is continuing to make good progress and the move of Recycling2go to Eastcroft remains on track for April – June 2019. Streetwise continue to explore alternative options for their location with the support of the Council. Regarding decontamination of the site, full reports have been undertaken on the site and a remediation strategy will be put in place as part of the planning process.

Councillor MacInnes also asked:

“What work has been completed by officers to progress the Councils ambition to build housing on the Depot site which would provide: a) much needed additional housing, b) assist in meeting the 5 year Housing Supply of Land, and c) deliver further economic growth within the Borough and therefore help the Council to achieve its corporate priorities.”

Councillor Edyvean, Portfolio Holder for Economic Growth and Business, provided the following response.

“Following on from the Cabinet report of October 2018, a design team has been appointed and it is anticipated that a planning application for the site will be submitted in March/April 2019. Proud of record as council of affordable housing having delivered more than any other council in Nottinghamshire.”