

Public Participation – Review of the Governance Working Group and Proposed Changes.

Report of the Director of Legal and Democratic Services

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

1) Recommendation

That the Committee be asked to endorse the changes to the Public Participation guidance, attached at appendix 1, and recommend that Council adopt accordingly for publication on the website and make the necessary amendments to the Constitution.

2) Background / Introduction

The Council's public participation guidance has been in existence for a number of years, with the ability for members of the public to engage with the democratic processes of the Council.

In 2014, the Procedures Committee agreed that the Council's procedures for public participation and engagement needed to complement each other and not be unduly restrictive and agreed that the scheme should allow the submission of questions at Council and Cabinet (initially for a trial period) and as part of the annual Joint Budget Scrutiny meeting, members of the public were afforded an opportunity to make oral representations on any matter relating to the proposed budget.

At the same time, revised arrangements were also made for public involvement at County Council meetings within a revised 'Public Questions & Representations' session, to be taken at the beginning of the meeting: so that members of the public may also make oral representations on any matter relating to the functions of the Council; subject to certain time restraints.

In 2016, the Cabinet considered proposals for the introduction of a facility for public speaking at Scrutiny Committees, consistent with practice elsewhere, as recommended by the Chair and Vice-Chairs of Scrutiny Committees as a means of facilitating and encouraging greater public participation at Scrutiny Committees. This was also in light of the abolition of the Joint Budget Scrutiny Meeting. This was initially for a period of 12 months but was made permanent after the trial period had ended.

Initially, any person wishing to do so, had to register by 9am on the (working) day immediately preceding the day of meeting, but at a later date, all deadlines relating to public participation were aligned to 4 working days, consistent with Member deadlines.

In 2019, the Leader asked that the current process for public questions be revisited. It was highlighted that whilst public participation was welcome, there was a concern that a lot of the questions submitted were on the same issues, with many being duplicated and the officer time involved in formulating responses to questions. Whilst no changes were made at that time, a watching brief was kept on the matter.

3) Main Body / Proposal

Public Participation was agreed to form a dedicated work strand as part of the Governance Working Group. Officers had updated the public participation guidance and the group considered this revised guidance at its meeting on 7th August 2023.

At the same meeting, the Centre for Governance Scrutiny's four principals of good scrutiny were discussed and reaffirmed, as well as benchmarking data with other Council's on the ability of the public to engage with Scrutiny as well as the timescales for submission of questions and or representations.

The main changes proposed to the entire scheme including a number of amendments which reflected more modern meetings and working practices, for example the ability to attend some meetings virtually.

The terms webcasting was changed to reflect the practice of livestreaming (via Teams rather than using the public-i technology) and the term presentations was replaced with representations for consistency across the board.

There were no changes proposed to the deadline on submitting representations or questions, as the benchmarking data showed that the Council had reasonably long deadlines when compared to others.

There was concern that officers and / or Members were not able to respond to any points made by the public, particularly if clarification was required, therefore an amendment was made to the guidance to reflect this.

The guidance also sign posts the public towards which Committee would be best suited for questions and or representations and also highlights that Scrutiny is not a decision-making body.

There was also a small change to the Development Management Committee which allowed individuals to make a further representation on an application if it came back to Committee, but to limit comment to those changes.

The guidance also contained further contact details for democratic services help and support.

4) Consultations / Representations / Technical Data

Views were sought from the Members of the cross-party Governance Working Group and the Statutory Scrutiny Officer in respect of the Scrutiny Public Participation guidance.

5) Strategic Plan

Whilst this is not directly aligned to the Council's Strategic Plan 2021 – 2025, the proposal supports the commitment of being a trusted and inclusive Council that hears the voices of all our communities, listens and learns and makes good decisions.

6) Financial Considerations

There are no financial considerations.

7) Legal Considerations

There are no legal considerations.

8) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

There are no environmental related issues.

9) Equality Considerations

There are no equality related issues.

10) Risk Management Considerations

No risks have been identified.

11) Summary / Conclusions / Reasons for Recommendations

The revised public participation guidance has not significantly changed, for example deadlines for submissions remain the same and no public engagement opportunities have been withdrawn. The updates seek to clarify the expectation at meetings in terms of responses and also reflect more modern working practices, such as the use of technology for hybrid meetings.

Name

Director of Legal and Democratic Services – Maria Price

Electoral Divisions: All

Local Government Act 1972: List of background papers

NIL

Contact for enquiries:

Name: Karen Strahan (01392) 382264

Address: G31, County Hall, Exeter, EX2 4QD