

From: Docherty, Andrew
Sent: 04 December 2013 10:27
To: 'Ruth Potter'; Cllr. T. Simpson-Laing
Subject: RE: A&G Participation scheme

Sorry Ruth, the report has been published.

The brief I had was to put some clear rules in place based on the borderline defamatory comments made at the last Council meeting and the added risk in light of webcasting.

There is slightly more positive stuff already in the participation scheme which says, for example:

Any York citizen or business person can register to speak at the Council's public meetings provided it is about:

- (a) A specific agenda item being considered at the meeting concerned
- (b) An issue which the meeting concerned is authorised to deal with as set out in the Council's Delegation Scheme (see Part 3 of the Constitution).

As Tracey has recognised there are currently inconsistencies between the scheme and the procedure rules which need to be addressed in the new version of the Constitution. We can certainly make sure in the redraft that the balance is right between positive encouragement to participate and clarity as to what will be unacceptable.

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From: Cllr. T. Simpson-Laing
Sent: 27 November 2013 17:50
To: Docherty, Andrew; Cllr. R. Potter
Subject: RE: A&G Participation scheme

Yes I knew about that bit but what I meant was the way I read it was that Councillors could ask questions of speakers which we can do at a committee but not at Council

I think what was wanted at this stage was a set of rules to stop 'attacks' as we had at the last meeting

Regards

Tracey

Cllr Tracey Simpson-Laing
Labour Councillor for Acomb

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From: Docherty, Andrew
Sent: 27 November 2013 17:39
To: Cllr. T. Simpson-Laing; Cllr. R. Potter
Subject: RE: A&G Participation scheme
Hi Tracey, I think your comments just highlight the need for the constitution review. In this case we have provisions in the participation scheme and provisions in the procedure rules which are either inconsistent with each other or consistent but don't reflect what goes on in practice.

So the Council procedure rules say:

With the exception of the Annual Meeting, any member of the public shall be entitled,
provided that prior notice has been given to the Chief Executive before 5:00 pm on the working day before the meeting, to address the Council for up to 3 minutes or to ask any Member of the Council a question, on, in either case, any matter directly relevant to the business of Council or the City.

That clearly does allow questions, as the current participation scheme says, but I bet it's a surprise to most people. It also has an exception for the annual meeting which is not referred to in the participation scheme.

There are separate provisions in the procedure rules for Cabinet and Committees which say:

At meetings of Planning Committee and its area sub-committee, members of the public may speak on individual planning applications which the Committee or Sub-Committee is being invited to determine, in accordance with the procedures set out in the Council's Public Participation Scheme.

My report just cut and pasted the participation scheme including the 30 minute timescale which, as you say, is regularly not followed. The rules go on to say that:

At other meetings the following speaking rights shall apply. All public meetings will have a standing item on the agenda regarding public participation. Members of the public may register to speak on an item on the agenda or an issue within the meeting's remit, by telephoning Democratic Services by 5:00 pm on the working day preceding the meeting. Speakers will have a maximum of 3 minutes to speak and may subsequently be asked questions by Members. There is no public right of reply following the decision of the meeting.

No specific mention of questions there!

To be honest I'd prefer to quietly abandon the participation scheme and

just get the rules right as part of the ongoing review. An option in the interim would be for me to amend the report so that it just says there is no guidance on what is appropriate to allow in public participation and ask A&G to support the proposals as guidance to Chairs on how they might exercise their legal rights to control meetings. I'd issue that guidance if it had A&G's backing and it wouldn't be a constitutional change so there would be no need to go to Council immediately. I've amended the report along those lines so you can see what it would look like with this change.

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From: Cllr. T. Simpson-Laing
Sent: 27 November 2013 17:08
To: Docherty, Andrew; Cllr. R. Potter
Subject: RE: A&G Participation scheme

Andy

I think this muddles up, slightly, Full Council and the Committee, as there is no questioning of speakers at Council. Can these be separated as two different forms of Public Participation?

Also on the 30 mins timing, again this has I understand always related to Full Council and not to Committees - I'm thinking of major planning applications where there have been 30 plus speakers.

Hope this helps as I cannot do the usual change and tracking at the moment as I am accessing this document through a slightly different software program

Regards

Tracey

Cllr Tracey Simpson-Laing
Labour Councillor for Acomb

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From: Docherty, Andrew
Sent: 27 November 2013 15:02
To: Cllr. T. Simpson-Laing; Cllr. R. Potter
Subject: A&G Participation scheme

Hi, as requested I've drafted a report for A&G to add some words to the public participation scheme. Have you any comments before I send it to democratic services?

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