

# Overview and Scrutiny Committee

## Review of Public Speaking at Call-In

14 June 2011

### Report of Interim Head of Legal and Democratic Services

#### PURPOSE OF REPORT

To consider public speaking at Call-in.

This report is public

#### **Recommendations**

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The Overview and Scrutiny Committee is recommended to:

- (1) Consider what change(s), if any, they wish to make to the order of speaking at Call-in.

#### **Details**

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##### **Background**

- 1.1 At the time of the Call-in of Car Parking charges concern was raised by some members of the public that they would not be given the opportunity to speak due to the time taken by Councillors to debate the issue. This led to some members of the public leaving the meeting with the mistaken belief that Councillors were trying to filibuster the debate.
- 1.2 In the event every member of the public and councillor present was given full opportunity to speak as would the members of the public who had expressed the concern had they not left the meeting prematurely. It should also be noted that the view expressed by the members of the public was not shared by Councillors of all political groups who were present at the Call-in.
- 1.3 However, due to the impression given to some members of the public it is good practice to review public speaking at meetings of the

Overview and Scrutiny Committee where a Call-in is heard.

### **Legal Position**

- 2.1 There is no public right to speak at a Call-in meeting. Indeed, at many councils Call-in is viewed as a semi quasi-judicial process and public speaking is not permitted. At Cherwell, the council has taken a proactive view to public engagement and permits speaking at all Overview and Scrutiny meetings (including Call-in) at the discretion of the Chairman.
- 2.2 Put very simply the issue in question is at which point during a Call-in should the public speak?
- 2.3 The current speaking order is set out below:
  - The spokesperson(s) for the Councillors who have made the call-in request (who shall be seated together) should outline the reasons for the call-in. Each speaker will be time limited to 5 minutes.
  - The relevant Portfolio Holder or decision taking officer explains the rationale for the decision and may be supported by officers and the Leader of the Council as appropriate. They shall also be seated together. Each speaker will be time limited to 5 minutes.
  - Councillors who have made the call-in request have the opportunity to question the Portfolio Holder or decision taking officer.
  - Other members of the Overview and Scrutiny Committee have the opportunity to question the Portfolio Holder or decision taking officer.
  - At the discretion of the Chairman, other members present may have the opportunity to question the Portfolio Holder or decision taking officer or make a brief statement.
  - At the discretion of the Chairman, anyone else present may have the opportunity to make a statement (limited to 5 minutes) on the issue.
  - The Portfolio Holder or decision taking officer will have a right of reply to any brief statement made on the issue.
  - Before forming a decision, the Chairman may decide to adjourn the meeting in order to allow the call-in signatories to reflect on the evidence received and to consider any proposals they wish

the Committee to consider.

- The Overview and Scrutiny Committee will debate on the issue, only members of the Committee and the officer appointed by the Chief Executive to advise the Overview and Scrutiny Committee on the call-in may speak.
- If there is no proposal the Chairman or another member may propose a motion which can be voted on in the normal way.

2.4 It should be remembered that Call-in is a process to enable Councillors to review a decision of the Executive. If the public are allowed to speak earlier they will go up the running order and will then be speaking before Councillors.

2.5 The Committee is requested to consider, what change, if any, they wish to make to the order of speaking at Call-in.

## **Implications**

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**Financial:** There are no financial implications associated with this report.

Comments checked by Denise Taylor, Service Accountant 01295 221982

**Legal:** There are no legal implications associated with this report.

Comments checked by Paul Manning, Solicitor, 01295 221691

**Risk Management:** Ensuring a clear process that allows reasonable time for the public to contribute helps to ensure that the council is seen as a modern and democratic organisation responding to the needs of the public, minimising any adverse impact on the council's reputation and contributing to effective decision making.

Comments checked by Claire Taylor, Community and Corporate Planning Manager, 01295 221563

## **Wards Affected**

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All

## Document Information

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<b>Appendix No</b>	<b>Title</b>
None	
<b>Background Papers</b>	
None	
<b>Report Author</b>	James Doble, Democratic, Scrutiny and Elections Manager
<b>Contact Information</b>	01295 221587 james.doble@Cherwell-dc.gov.uk