

DR/41/14

committee DEVELOPMENT & REGULATION

date 26 September 2014

COMMITTEE PROTOCOL AND PUBLIC SPEAKING POLICY

Joint report by the Head of Planning, Environment and Economic Growth and Director for Essex Legal Services

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1. BACKGROUND

The Development and Regulation committee has adopted a Development and Regulation Committee Protocol and a Public Speaking on Planning Applications Protocol. Some updating and rationalisation of the text has been identified.

2. ISSUES TO BE CONSIDERED

Firstly, as a result of correspondence on a specific committee agenda item it has come to light that there is some inconsistency between statements made in these documents as to the publication of the agenda papers and more general statements in other County Council information on its web pages.

The legal requirements for publication are set out in the Local Government Act 1972 (as amended) which requires agendas and reports which are not excluded papers to be published at least 5 clear days before the meeting (i.e. excluding the day of publication and the day of the meeting). There are other exceptions for short notice meeting and for items added to an agenda. In all cases nothing is required to be open to inspection by the public until copies are available to members.

In the public speaking protocol the following three references are made to when committee papers will be available:

- page 2, 2nd full paragraph, 3rd sentence says 'The report is available at the Council Offices at least seven working days before the meeting, and will be published on the County Council's website ...'; and

- page 4, 2nd paragraph, 1st sentence says 'The agenda and reports for the Committee are published and are available for public inspection at least seven working days in advance of the Committee.'
- Page 6, 2nd full paragraph, 3rd sentence says 'The report will be available at the Council Offices at least seven working days before the meeting, and will be published on the County Council's website ...'

There is a further reference in the Committee Protocol on page 10, in the penultimate full paragraph, before section 8, which says 'Committee papers will normally be available at least seven working days prior to the meeting. The papers will also be published on the County Council's website....'.

To be consistent it is recommended that all the references are changed to say "The agenda and reports for the Committee will normally be published at least five clear days before a Committee meeting (excluding the day of publication and the day of the meeting) and will be available for public inspection on the County Council's website".

Secondly, the Government has brought in new regulations recently which enable proceedings at meetings open to the public to be recorded.

These Regulations make provision to allow members of the public to report and commentate on public meetings of local government bodies in England. Regulation 3 amends the Public Bodies (Admission to Meetings) Act 1960 to allow entry to the meetings of specified local government bodies for the purposes of reporting and to allow the results of the reporting to be published or disseminated. "Reporting" includes filming and providing commentary on proceedings and allows for the use of a wide range of methods including social media. Regulations 4 and 5 make similar amendments to the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The County Council already covers reporting on meetings in its Standing Orders and by a protocol on their use. It is currently under review in relation to the new regulation which will be reported to Council. In the Committee's public speaking protocol the following reference is made to recording:

- page 7, fifth paragraph, 3rd sentence says 'Except with the approval of the Chairman, no cameras, tape recorders or any other type of recording equipment shall be permitted to be used/operated while business is being transacted.'

To accord with the new rights given to the public with effect from 6th August 2014 in The Openness of Local Government Bodies Regulations 2014 it is recommended this is now deleted.

3. RECOMMENDED

That the following changes to the 'Public Speaking at the Development and Regulation Committee' edition dated November 2010 are adopted:

The words "The agenda and reports for the Committee will normally be published at least five clear days before a Committee meeting (excluding the day of publication and the day of the meeting) and will be available for public inspection on the County Council's website" are added in substitution for the following existing text, with any minor variations that the context may require:-

- page 2, 2nd full paragraph, 3rd sentence 'The report is available at the Council Offices at least seven working days before the meeting, and will be published on the County Council's website ...'; and
- page 4, 2nd paragraph, 1st sentence 'The agenda and reports for the Committee are published and are available for public inspection at least seven working days in advance of the Committee.'
- Page 6, 2nd full paragraph, 3rd sentence 'The report will be available at the Council Offices at least seven working days before the meeting, and will be published on the County Council's website ...'

And that the following words are deleted from the Committee Protocol, updated 31st May 2013: page 7, fifth paragraph, 3rd sentence 'Except with the approval of the Chairman, no cameras, tape recorders or any other type of recording equipment shall be permitted to be used/operated while business is being transacted.'

BACKGROUND PAPERS

Committee Protocol, updated 31st May 2013

'Public Speaking at the Development and Regulation Committee' edition dated November 2010

The Openness of Local Government Bodies Regulations 2014, Statutory Instrument 2014 No. 2095