

<u>MEETING</u> CONSTITUTION AND GENERAL PURPOSES COMMITTEE
<u>DATE AND TIME</u> TUESDAY 25TH JUNE, 2019 AT 7.00 PM
<u>VENUE</u> HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
5.	PUBLIC QUESTION AND COMMENTS (IF ANY)	3 - 8

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CONSTITUTION AND GENERAL PURPOSES COMMITTEE
Tuesday 25 June 2019

ITEM 5 – PUBLIC QUESTIONS AND COMMENTS

Note

At the meeting a total of 30 minutes is available for public questions and comments. The questioner may ask one supplementary question at the meeting which will be answered without discussion. The supplementary question must be relevant to the original question put to the Chairman.

Public Comment (up to 3 minutes per comment)

Agenda Item No	Public Comment Request
Item 7 – Public Participation	John Dix
Item 7 – Public Participation	Theresa Musgrove

Agenda Item No	Written Comment
Item 7 – Public Participation	<p>David Guttman (Torrington Park Residents Association)</p> <p>It is vital that all residents should have as much a say as is reasonably possible at meetings of council or through writing letters and raising petitions. It is reasonable to make some limitations on the amount of question or comment that can be raised at one meeting or by one resident or one specified topic; however it is not always possible to limit this to an arbitrary figure such as two - three might be more reasonable. The proposals to change arrangements were only seen by accident, and have not been put out to proper consultation to all residents, for whom councillors and council officers serve, paid for through council tax principally. We would therefore propose that proposed changes are simplified and sent in the form of a questionnaire to all council tax payers so that they can exercise their democratic vote to retain or alter existing arrangements.</p>
Item 7 – Public Participation	<p>Paul Lakra</p> <p>I have just learnt of the above proposal and am horrified that it can be suggested to make such major changes to reduce the public's ability to question council activities without proper and full public consultation. I protest most strongly and demand the proposal be removed from the order book and a proper process be instituted to allow the public to consult.</p> <p>I cannot believe the consultation process that has gone on over Victoria Park compared to the will to slip this proposal through while no one is looking.</p>
Item 7 – Public Participation	<p>Fiona Brickwood</p> <p>Re: Guidelines / Regulations for Public Participation to be considered at Constitution & General Purposes Committee meeting 25 June 2019</p> <p>It is very important that residents have a chance to put questions to council, and to discuss the issues.</p> <p>The report observes that comments and questions to council are typically made by only a few individuals. However, these individuals are often representing the interests of a much larger number of residents. Or sometimes one person may need to ask several questions about something that is of great importance to him. I think the council would harm their ability to question issues of importance if it limits the number or length of questions/comments. So, I suggest the council just provides guidelines and requests consideration, rather than regulations.</p>

Qn No	Agenda Item No	Raised By	Question Raised	Answer
1.	Item 7 – Public Participation	Theresa Musgrove	This Tory administration puts so much effort into trying to restrict the right of residents to take part in the democratic process, when in reality they have very little opportunity to hold members to account in any meaningful way. If at times there are a high number of questions that is because so many residents feel very strongly about a particular issue. Rather than trying to stifle debate, in which ways can Tory members suggest ways of opening up the local government process and becoming more accountable to residents, in line with the Nolan Principles?	I do not accept that there will be any diminution in democratic accountability as a result of these proposals. The ultimate democratic accountability is the ballot box and the questioner is reminded that there was an overwhelming approval by the electorate in 2018 in that a Conservative majority in the council increased from one to thirteen. There is an overall resident satisfaction rating of 85%. Rather than snipping at the Administration I would respectfully suggest that the questioner takes her own advice and suggest reasonable and cost-effective ways of opening up the local government process, I would be happy to at least consider these.
2.	Item 7 – Public Participation	Tirza Waisel	How, in your view, have residents' questions and comments contributed to the discussions in the council's committees and therefore to the committees' work?	The relative contribution of questions and/or comments to the discussion at committees would be dependent on the question(s) asked or comments made, their relevance (or otherwise) to the report being considered by a committee and the views of the Members who sat on that committee. Committees make decisions based on officer reports which include all relevant factors and make recommendations for Members to decide upon. Comments and questions made by residents are not a part of officer reports and are not therefore material in decision-making. The Council undertakes wide ranging consultation and engagement with residents to get their views. In addition to statutory consultation, consultation and engagement happens at various stages of proposals being developed. This includes through questionnaires, focus groups, workshops, public events and exhibitions and participation exercises. The outcome of that consultation and engagement, including any impact that it had on the recommendations made by officers, will be included in reports presented to committee.

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3.	Item 7 – Public Participation	Theresa Musgrove	There is a claim that asking questions of our elected members costs £42,000. Please give full details of the annual cost of all PR & Communications staff, and the cost of the Town Hall propaganda publication 'Barnet First'.	<p>Costs of the central communications and consultation team are forecasted to be £810,000 for 2019/20.</p> <p>The team leads on strategic communications and campaigns, such as foster care recruitment, community cohesion and improving health outcomes, as well as communicating to staff, supporting major change programmes and supporting effective consultation and engagement with residents across the borough.</p> <p>Barnet First has a budget of £75,000. Production of the four editions a year are on average £25,000 each. This difference is offset by advertising income.</p>
4.	Item 7 – Public Participation	Tirza Waisel	How, in your view, will the proposed changes to the constitution contribute to residents' participation, to the scrutiny of the committees' work and to transparency and local democracy?	The proposed changes will still allow residents to participate at meetings and they can therefore still contribute. Agendas and minutes for committees are available online for public inspection – this is transparent, meets with legal requirements and allows residents to scrutinise the work of committees.

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5.	Item 7 – Public Participation	Theresa Musgrove	There is an equally absurd and illiberal proposal to ban residents from making comments that have not been subject to scrutiny and previously submitted in written form. This is clearly an outrageous attempt to suppress the freedom of expression, and one that one would not expect from any other democratically accountable administration. Will members agree to publish a pre-meeting summary of all the comments they intend to make at the meeting, or is freedom of speech a right that is only given to them, and not to the people they are supposed to represent?	With great respect to the questioner, the suggestion that the Administration is attempting to suppress freedom of expression is equally absurd and ludicrous. The questioner's proposal is unworkable. Members will have read the papers and then come to the Committee with an open mind. Their views would be received and consolidated by their questioning of officers, the general debate and indeed the views of residents in the still existing 'public participation' process. We live in hard times and like it or not savings must be made and prioritised fairly. I believe the proposals before the Committee are a reasonable compromise. Comments would flow then flow from that in the light of general debate. It may not always be possible to pray for divine inspiration or indeed the power of prophecy, so Members can write down their thoughts in advance before they have actually thought them.
6.	Item 7 – Public Participation	Tirza Waisel	Have you considered the reasons that force active residents to scrutinise the council's committees' work and to submit all these questions, and if so – why do you think we take the trouble to do so?	The reason(s) that residents ask questions at committees is a matter for the individual(s) concerned. Often residents are concerned about a specific issue that affects them. It is important that the council enable residents who are concerned about an issue to make their views known (i.e. by participating in a consultation, making a written representation on a planning application or speaking at a planning committee, raising an issue at a resident's forum, or asking a question at a committee).

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7.	Item 7 – Public Participation	Theresa Musgrove	Bearing in mind the criticism that was made in the High Court during the One Barnet Judicial Review, in regard to similar attempts to silence debate on important council policy decisions, and its impact on the legal duty to consult, what advice has been taken from counsel on the risk of legal challenge in the future of this attempt at further suppression of the right to engage with the democratic process?	<p>As set out in the report to the Committee, there is no legal requirement to allow residents to speak at committee and some local authorities do not allow any public participation.</p> <p>Where there is a legal requirement for the Council to consult on a decision or proposal, a consultation is undertaken. Current and closed consultations can be accessed on: https://engage.barnet.gov.uk/</p> <p>Consultation findings are usually reported to committees and inform the recommendations made to Members by officers.</p> <p>The Council will seek advice from counsel as and when required.</p>
8.	Item 7 – Public Participation	Tirza Waisel	Given that Barnet residents are unhappy with major policies of this council and therefore took it upon themselves to follow the council's work and flag problematic issues to councillors and to the public, and therefore it is likely that if the route of asking council's committees' about these issues directly as allowed so far will be closed to residents, they are bound to use the tool of FOI instead – how much savings do you estimate you will make in real terms, when comparing officers' time in answering questions to the committees with officers' time answering FOIs?	<p>It is not accepted that the majority of borough residents are unhappy with the Council's policies. In fact, the latest satisfaction survey shows an overall satisfaction rate of 87%. To my mind that does not bear out the questioner's statement</p> <p>The answer to this question will depend on the whether there is an increase in the number of FOI requests received once any changes agreed by this Committee and Full Council are implemented.</p>
9.	Item 7 – Public Participation	Tirza Waisel	Is the purpose of this proposed change saving money, or limiting public visible engagement of councillors with residents?	The purpose of the proposed changes are set out in the report for consideration by the committee.