



Constitution & General Purposes Committee

25 June 2019

Title	Public Participation
Report of	Monitoring Officer
Wards	All Wards
Status	Public
Urgent	No
Key	No
Enclosures	None
Officer Contact Details	Andrew Charlwood, Head of Governance, andrew.charlwood@barnet.gov.uk , 020 8359 2014

Summary

Members are requested to consider the issues and proposals as detailed in the report in relation to public participation and resident engagement at committees.

Officers Recommendation

1. That the Committee consider the issues outlined in the report and recommendations set out in section 1.7 and give instructions.
2. That, following the Committee agreeing their preferred options in relation to public participation, that officers be instructed to prepare a revised Article 3 (Residents and Public Participation) for reporting to Full Council for consideration and agreement.

1. WHY THIS REPORT IS NEEDED

- 1.1 Residents have several rights as detailed in Article 3 (Residents and Public Participation) including to ask questions at Full Council and to make comments and/or ask questions at committee meetings. The current rules state that “Written responses to public questions will be circulated to the questioner in advance or at the meeting. Residents can ask the committee chairman one supplementary question per question asked at the committee meeting, which will be answered without discussion. The supplementary question must be relevant to the original question put to the chairman.” In most cases, officers draft a response which is reviewed by the relevant committee chairman and then sent to the questioner and published in advance of the meeting alongside the council or committee agenda and reports.
- 1.2 At present there are no limitations on the number of questions submitted by residents and there have, on occasion, been more than 150 questions submitted to a single committee meeting. All questions require a written response and drafting responses and can take up a significant amount of senior officer time. Additionally, the committee chairmen need to review and clear responses.
- 1.3 In a recent 5-month period (1st September 2018 to 1st March 2019) a total of 598 questions were submitted by residents to theme committees (see list [here](#)), the Audit Committee and the Constitution & General Purposes Committee. From the total, one resident submitted 165 questions (28%) and another 111 (19%), with a further four residents submitting between 19 and 48 each. 79% of the total number of questions are submitted by 10 residents. The right of residents to raise questions and make comments at committees has become used to a degree which is officer resource intensive and requires limitation to achieve savings.
- 1.4 Enabling residents to attend meetings, ask questions, create petitions and raise issues at residents’ forums is an important element of the council’s governance arrangements. Residents should be able to understand how the decisions that affect them are made. However, the current arrangements in relation to public questions has resulted in senior officers spending a significant amount of time responding to (or coordinating responses to) questions from a small cohort of individuals. It is estimated that the time-cost of responding to public questions is around £42K per annum. Members are requested to consider whether this is an appropriate use of council resources and whether another arrangement may reduce the requirements on officers to provide responses to questions whilst maintaining resident’s rights to ask questions.
- 1.5 In addition to the right to ask questions, residents also have the right make comments at committees. Residents can submit a written comment, but are not required to do so. Raising issues before committee by way of comments of which the Council has no prior knowledge is not advisable as either: the comment(s) are relevant to the decision-making and therefore must be in the report before committee; or are not relevant to the decision-making in which case such comments are unnecessary. Any relevant comment made and not within the committee report must result in the Chairman deferring the committee decision so that the report to committee can be suitably amended. If the right to make comments is to continue then it should be amalgamated with questions which must be delivered before the committee meets to discuss the relevant agenda item, thus giving

time for the comment to be given due consideration and the committee report to be amended if necessary.

- 1.6 There is no legal requirement to allow residents to speak at committee and some local authorities do not allow any public participation. Members are the elected representatives of all residents and any local resident may raise relevant matters with officers or their local Councillors at any time. Members can in turn make representations at committees in accordance with their rights enshrined in Article 2 and other sections of the Constitution.
- 1.7 The Committee are requested to consider the proposals of the Monitoring Officer as set out below and comment accordingly:
 1. Questions and comments should be amalgamated; it is perfectly possible to raise a comment as part of a question. The number of words for each question/comment should be limited at 100.
 2. Questions/comments should be raised under the current rules for questions. This means that the council and lead officer would have notice of the question/comment before the meeting and would therefore be in a position to amend the committee report (if necessary) to include a relevant matter raised in the question/comment, if not currently within the committee report.
 3. Residents may raise one question/comment on an agenda item. The question/comment must relate to the substantive matter to be determined by the committee. No more than two questions from residents will be allowed per agenda item taken in the order of receipt by the Governance Service.
 4. Residents may raise one question/comment per committee meeting in order to allow as many residents as possible to raise questions/comments and ask a supplementary question at Committee.
 5. The deadline for submitting a question/comment be extended to 10am two clear working days before the meeting. Questions/comments will be responded to verbally at the meeting only. Residents will be able to ask one supplementary question for each question/comment made. If there is insufficient time to deal with all questions in the 30 minutes of allocated time, a written response will be provided within a reasonable period. The Chairman should also have the discretion to request that a question answered at the meeting also be responded to in writing.
- 1.8 Following the committee's consideration and agreement on their preferred option(s) for the changes proposed above, a revised Article 2 will be drafted in preparation for reporting to Council on 30 July 2019.

2. REASONS FOR RECOMMENDATIONS

- 2.1 The right of residents to raise questions and make comments at committees has become used to a degree which is officer resource intensive and requires limitation to achieve savings.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The Committee could retain the current public participation arrangements unaltered.

4. POST DECISION IMPLEMENTATION

- 4.1 Subject to the committee's comments and decision on the proposals detailed above. Constitution amendments need to be agreed by Full Council on the recommendation of this committee.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Barnet Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded, properly accounted for, and used economically, efficiently and effectively. By keeping the Constitution under review it ensures that the framework in which the Council is governed supports the delivery of corporate priorities and performance.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 Providing written responses to public questions requires substantial input from officers of varying levels across the Council. Members are requested to consider whether this an appropriate use of officer time and council resources.

5.3 Social Value

- 5.3.1 None in the context of this decision

5.4 Legal and Constitutional References

- 5.4.1 Council's Constitution, Article 7 - the Constitution and General Purposes Committee terms of reference includes responsibility "To keep under review all aspects of the Council's Constitution so as to ensure that it remains current and fit for purpose, and to make recommendations thereon to the Council".

5.5 Risk Management

- 5.5.1 The process of managing changes to the Constitution through the Constitution and General Purposes Committee ensures that the proposals are developed through Member participation and consideration.

5.6 Equalities and Diversity

- 5.6.1 The decision-making processes of the Council, as enshrined within the Constitution, need to be transparent and accessible to all sectors of the community.

5.7 Corporate Parenting

- 5.7.1 None in the context of this decision.

5.8 Consultation and Engagement

- 5.8.1 None in the context of this decision.

5.8 Insight

- 5.8.1 None in the context of this decision.

6. BACKGROUND PAPERS

- 6.1 The currently adopted Constitution can be accessed here:
<http://barnet.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13581&path=0>