



Constitution & General Purposes Committee

16 January 2020

Title	Public Participation Changes Review
Report of	Head of Governance
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix 1 – Public Participation Data
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Summary

At a meeting held on 30 July 2019, Full Council approved revisions to Article 3 (Public Participation) of the Council's Constitution as proposed in a report from the Constitution and General Purposes Committee. Following this Members requested a further report clarifying the process through which these amendments were approved. The following report includes this information as well as a review of the impact of the changes which are detailed in Appendix 1.

Officers Recommendations

1. That the Constitution and General Purposes Committee note the decision-making process for the amendments to public participation as set out in sections 1.1 to 1.4.
2. That the Constitution and General Purposes Committee review the impact on the amendments to public participation.

1. WHY THIS REPORT IS NEEDED

Background

- 1.1 At the meeting of the Constitution and General Purposes Committee on 25 June 2019 the Committee considered a report of the Monitoring Officer which set out proposed changes to the rules relating to public participation and resident engagement at committee meetings. Written and verbal public comments and questions were received by a number of residents and Members were given the opportunity to respond. Following discussion and amendment of the report it was resolved that:

1. The Committee agree that Article 3 (Residents and Public Participation) be amended to give effect to the following changes:

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.*

2. Officers be instructed to prepare revisions to Article 3 for reporting to Full Council.

- 1.2 Following this, the recommendations proposed by the Committee were reported to Full Council (with the original report included as Annex 1 and the minutes from the meeting included as Annex 1A) on 30 July 2019 to be formally approved.
- 1.3 Within the body of the original report, the recommended approach outlined that public comments would be amalgamated into the provision for public questions. Item 1.7. (1.) in the report to Committee on 25 June 2019 refers – see link at section 6.2 below. In accordance with this wording, the report to Council was amended to refer to Public

Questions only as the report was clear that comments could only be made as part of a question.

- 1.4 Following debate, the recommendations were approved and the following provisions for public questions were agreed:

*“(d) **Public Engagement.** Residents have the right to ask questions and receive answers at committee meetings in accordance with the following rules. Residents can also raise issues at Residents Forum.*

Residents can participate in Committee meetings as follows:

- *By asking a public question*
- *By submitting a petition*

3.2 Questions to a Committee

Questions must specify the item of business on the agenda which they relate to. Committee agendas are usually published on the Council’s website five clear working days prior to the meeting. Residents should state their address when submitting questions. Questions may include a written comment. Each question is limited to 100 words.

Questions should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting. Any questions submitted after this time will not be considered.

A resident may ask one question per agenda item. A maximum of two questions from residents may be asked per agenda item. These will be accepted in order of receipt. Any additional questions received will be not be accepted.

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.

Residents submitting questions are able to send a substitute to ask their supplementary question if they are unable to attend the committee meeting. The Governance Officer supporting the meeting should be made aware of this prior to the meeting commencing.

3.3 Procedure for Questions at Committees

At committee meetings a time period of up to 30 minutes is available for public questions in total. Supplementary questions will be asked in order of receipt.”

Review

- 1.5 At the meeting of the Constitution & General Purposes Committee held on 7 October 2019 the Committee received a public question on the changes to public participation agreed by Full Council on 28 July. The question noted that the report to the Committee in June had referred to public questions and comments, but the version reported to and

agreed by Council in July referred to questions only. It was suggested that the revisions had consequently prevented residents from submitting written comments. Officers responded to the question and advised Members that the wording in the report to the Committee in June had clearly stated that public questions and comments would be amalgamated and that a written comment could be made as part of a question (with a 100-word limit). Comments were therefore allowed, but only as part of a written question. Following discussion, the Committee agreed that a report should be brought to the January 2020 meeting to cover this point and to summarise the impact of the changes to date.

Findings

- 1.6 Appendix 1 shows that there has been a decrease in questions to committees in line with the new limits to the number of questions that can be submitted. Consideration has been given as to whether questions that were not accepted for committees have been submitted via alternative routes, such as Freedom of Information (FOI) requests or direct service requests, instead. Appendix 1 shows that there has not been an increase in the number of FOI requests since the changes were made. There is no evidence to suggest that the number of direct service requests have increased either.
- 1.7 Governance Officer have been asked what impact the changes have had. Other than reducing the overall number of questions as set out in Appendix 1, the following has been reported:
- i) Some residents have sent their questions directly to committee chairmen who have asked that officers respond to the questions verbally when addressing the report in committee; and
 - ii) Residents have sent their questions directly to committee members who have then asked officers to provide written answers to the questions in advance of meetings.
- 1.8 Chief Officers were invited to comment on the changes and the themes emerging are as follows:
- Changes have reduced the volume of work in managing committee agendas/papers
 - Clarification regarding the issue in respect of questions/comments would be helpful as this has been a source of confusion
 - Consideration ought to be given to different ways of engaging residents across the borough
- 1.9 The Committee are requested to note the information set out in this report.

2. REASONS FOR RECOMMENDATIONS

- 2.1 As set out in section 1 above.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 None.

4. POST DECISION IMPLEMENTATION

4.1 The Constitution and General Purposes Committee will continue to proactively keep the Constitution under review and may make further recommendations in the next municipal year.

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 None in the context of this report.

5.3 Social Value

5.3.1 None in the context of this report.

5.4 Legal and Constitutional References

5.4.1 Council Constitution, Article 7 states that the Constitution and General Purposes Committee terms of reference includes 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."

5.4.2 Council Constitution, Article 4 states that "The Full Council is a formal meeting of all Councillors and is required by law to take certain important decisions as set out below. Full Council also approves a number of key plans and strategies, which together form the Policy Framework:...Adopting and changing the Constitution (unless delegated)."

5.5 Risk Management

5.5.1 In reviewing the revised public participation process and revisions to the Constitution through the Constitution and General Purposes Committee, Members can assess the impact of these changes and whether any risk arise.

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 report.

5.8 **Consultation and Engagement**

5.8.1 None in the context of this report.

5.9 **Insight**

5.9.1 None in the context of this report.

6. **BACKGROUND PAPERS**

6.1 [Council – Report of the Constitution & General Purposes Committee – Public Participation – 30 July 2019](#)

6.2 [Constitution & General Purposes Committee – Public Participation – 25 June 2019](#)

6.3 [Council Constitution](#)