

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to:	Corporate Scrutiny Committee, Partnership and Regeneration Scrutiny Committee, Executive and full Council
Date:	09.03.2020 / 11.03.2020 / 23.03.2020 / 08.09.2020
Subject:	Public Speaking Protocol for Scrutiny
Portfolio Holder(s):	Councillor Dafydd Rhys Thomas Corporate Business Portfolio Holder
Head of Service:	Lynn Ball Director of Function (Council Business) / Monitoring Officer
Report Author: Tel: E-mail:	Mared Yaxley 01248 752566 mwyics@ynysmon.gov.uk
Local Members:	Not a ward specific matter

A –Recommendation/s and reason/s
<p><u>Purpose of the report:</u></p> <ol style="list-style-type: none"> To seek the views of the Scrutiny Committees and Executive, prior to Council resolution on whether or not to adopt the Public Speaking at Scrutiny Protocol attached at Appendix 1 to this report. <p><u>Background:</u></p> <ol style="list-style-type: none"> In accordance with section 62 of the Local Government (Wales) Measure 2011, County Councils must ensure that those who live or work in their area are able to contribute their views on any matter that is to be considered by a Scrutiny Committee. The Isle of Anglesey County Council (IOACC) is committed to this principle. Whilst there are already arrangements for public participation in the work of the Scrutiny Committees, the aim of introducing the Public Speaking Protocol is to provide the public with a clear and accessible process for making their views known to the Scrutiny Committees as part of their deliberations . The current arrangement for public speaking at Scrutiny Committee meetings is not set out transparently in a simple document. The introduction of the Public Speaking Protocol will assist the public to understand the process that needs to be followed and will ensure that a consistent process is adopted, which manages the public's expectations in relation to their contribution.

General:

5. Officers will undertake the administrative work under the Protocol.
6. Recent legislative developments have emphasised a legal requirement to listen to the voice of the public and that public involvement is imperative when Councils are making decisions.

6.1 Under the Local Government and Elections (Wales) Bill (published on 18/11/2019) which is anticipated to receive Royal Assent during the Summer of 2020, section 46 includes a duty to encourage local people to participate in local government. Paragraph 46(1) details: “A principal council must **encourage local people to participate in the making of decisions by the council** (including the making of decisions in partnership or in conjunction with any other person).” (my emphasis).

6.2 Section 47 of the Bill outlines a duty for Councils to prepare a “participation strategy” with the aim of making it easier for members of the public to understand how local government functions, how it makes decisions and **how local people can** follow proceedings, **input their views**, and have them taken into account” (my emphasis – WLGA paper on the Bill). Paragraph 47(2)(e) details: “A public participation strategy must, in particular, address arrangements made, or to be made, for the purpose of the council’s duty in section 62 of the 2011 Measure (bringing views of the public to attention of overview and scrutiny committees)”.

6.3 In addition, under the Well-being of Future Generations (Wales) Act 2015, there is a requirement to consider the importance of involving people with an interest in achieving the wellbeing goals, and ensuring that those people reflect the diversity of the area which the body serves.

The adoption of a Public Speaking Protocol for Scrutiny would go some way to achieving these statutory objectives.

7. The Protocol will be published on the Council’s website and can be shared on social media.

Protocol details:

8. The Protocol details:

8.1. Members of the public can request to speak at a Scrutiny Committee meeting if they have submitted a written request to the Scrutiny Officer at least 3 working days prior to the Committee meeting. The written request must be made using the relevant form from the Council’s website and electronic submissions are encouraged. Applications will be dealt with in the order they are received. All those who have qualified to speak will be notified via email or through their contact telephone number.

8.2. The number of speakers are to be limited so that only one person from each group or party, where each group or party has a different perspective on an

item, to address the meeting. Only in exceptional cases will the Chairperson allow a second/third speaker with the same perspective to speak; such discretion will be exercised in consultation with the Scrutiny Officer and the Monitoring Officer.

8.3. The right of the public to speak applies to all items on the agenda with the exception of the following: Apologies; Declarations of Interest; Minutes; and items on the Agenda which have been declared as not for publication (in accordance with the Public Interest Test). When exempt items are under consideration by Scrutiny the Chairperson will ask all members of the press and public to vacate the meeting room.

8.4. The right does not include the right to ask any questions of any IOACC member, officer of the Council, invited attendees or any other speaker.

8.5. In order for members to give full consideration to any points made, speakers must provide any supporting information/documentation they intend to refer to in their presentations when registering to speak. No additional information / documentation may be produced at the meeting itself. The draft Protocol addresses the issue of suitability of any material produced.

8.6. Each speaker will be given five minutes to make their oral contribution in relation to an agenda item. Only in exceptional circumstances will the Chairperson allow speakers a little more time and if this is allowed for one individual, all individuals in relation to the same agenda item will be allowed the same amount of additional time.

8.7. The Chairperson has the discretion to stop a speaker before their allotted time has concluded if, in the Chair's view, the speaker is behaving improperly, offensively, trying to prevent the Committee from doing its work or makes comments which are defamatory, vexatious, discriminatory or offensive.

8.8. Speakers may be asked to clarify any of the comments they make and may be asked questions by members. Speakers must not enter into debate with the members of the Committee.

8.9. The Committee will consider the comments made by the speaker and thereafter determine whether to make any recommendations arising from those comments/issues raised.

Recommendations:

9. For the Scrutiny Committees to agree to adopt the Protocol at **Appendix 1** to this report, subject to formal approval of the Council;

10. For the Executive to recommend whether or not the Protocol at **Appendix 1** be adopted and, if so, to recommend its inclusion in the Council's Constitution

11. For the Council to adopt the Protocol and agree that the Constitution be amended to include the Public Speaking at Scrutiny Protocol (as it appears in **Appendix 1**),

subject to paragraph 12 and 13.

12. The Public Speaking at Scrutiny Protocol will be implemented on a date to be decided by the Chief Executive, following consultation with Group Leaders.

13. The Director of Function (Council Business) / Monitoring Officer is delegated to make any technical / practical changes to the Public Speaking at Scrutiny Protocol (but not the principles and timescales currently noted in **Appendix 1**, which require an Executive decision).

B – What other options did you consider and why did you reject them and/or opt for this option?

The Council may decide to maintain the status quo i.e. public speakers at the Chairperson's discretion with no published/documented procedure. However, the adoption of a Public Speaking Protocol for Scrutiny will provide awareness and guidance for the public and enable, and encourage, public participation and engagement with the Council's decision making process.

C – Why is this a decision for the Executive?

Paragraph 2.15.2.1 of the Constitution stipulates that "*Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Executive...*".

The Executive resolved to recommend that full Council adopt the Public Speaking Protocol at its meeting on 23 March 2020.

CH – Is this decision consistent with policy approved by the full Council?

N/A

D – Is this decision within the budget approved by the Council?

Has no budgetary implications

DD – Who did you consult?		What did they say?
1	Chief Executive / Senior Leadership Team (SLT) (mandatory)	Supportive
2	Finance / Section 151 (mandatory)	
3	Legal / Monitoring Officer (mandatory)	Author of the report
4	Human Resources (HR)	
5	Property	
6	Information Communication	

	Technology (ICT)	
7	Procurement	
8	Scrutiny	<p>Consultees on the first draft of the Protocol. Comments included as part of the Protocol and / or Report.</p> <p>Feedback from the Scrutiny Committees is included as Appendix 2 to the report.</p>
9	Local Members	Not a ward specific matter
10	Any external bodies / other/s	
E – Risks and any mitigation (if relevant)		
1	Economic	
2	Anti-poverty	
3	Crime and Disorder	
4	Environmental	
5	Equalities	
6	Outcome Agreements	
7	Other	

F - Appendices:
<p>Appendix 1 – A Guidance on Public Speaking Arrangements in Scrutiny Committee Meetings</p> <p>Appendix 2 – Scrutiny Committees' Feedback on the Draft Protocol.</p>

FF - Background papers (please contact the author of the Report for any further information):

A Guidance on Public Speaking Arrangements in Scrutiny Committee Meetings

1.0 Introduction

- 1.1 Under section 62 of the Local Government (Wales) Measure 2011, County Councils must ensure that those who live or work in their area are able to contribute their views on any matter which is to be considered by a Scrutiny Committee. The Isle of Anglesey County Council (IOACC) is committed to this principle.
- 1.2 IOACC encourages the active participation of the public whenever possible (see link to "[Getting Involved with Scrutiny](#)") and an opportunity exists for members of the public to speak at Scrutiny Committee meetings in respect of an item on the agenda. This Guidance is intended as a means of ensuring that the voice of local people and communities in Anglesey will be heard as part of the decision making process.
- 1.3 In doing this, IOACC must ensure that the procedure is fair and organised. This Guidance has been developed to assist those wishing to speak at a Scrutiny Committee meeting. It contains information on the process to be followed. It is also hoped that encapsulating this information in a Guidance will ensure that, as far as possible, members of the public have a positive and stress-free experience when addressing a Scrutiny Committee.

2.0 Background

- 2.1 There are two Scrutiny Committees at IOACC. One being the [Corporate Scrutiny Committee](#) and the other the [Partnership and Regeneration Scrutiny Committee](#). The Terms of Reference for both Committees is included in the Constitution in [Article 6](#) and in [Part 4](#).
- 2.2 The role of the Scrutiny Committee is to make recommendations to the Executive/Council. As appropriate, the Executive/Council will make the final decision.
- 2.3 Scrutiny Committee meetings are open to the public (see 2.4 below).
- 2.4 However, on occasions, the Committees will consider confidential matters e.g. personal information about individuals or commercially sensitive data and, on these occasions, members of the press and public will be asked to leave the meeting whilst that item is being considered. Such exclusion must be in the public interest.
- 2.5 The Committee members receive written reports on issues being discussed by the Scrutiny Committees at their meetings. These reports are available to the public on the website for the [Corporate Scrutiny Committee](#) and the [Partnership and Regeneration Scrutiny Committee](#) at least three working days before the day of the meeting (unless a decision is taken to exclude public access to the papers). If that is the case, a public interest test will be included on the website; this explains why access is being restricted.
- 2.6 Part of the Scrutiny Committees' remit is to "call in" decisions which have been taken by the Executive but not yet implemented. However, the right to "call in" will

be excluded where a matter considered by the Executive is deemed urgent. In those circumstances, it will not be possible for the matter to be considered by a Scrutiny Committee and so public participation will also not be available.

3.0 Public attendance and speaking at Scrutiny Committee Meetings

3.1 General Points

- 3.1.1 Scrutiny Committee meetings are held in public and any member of the public or the press may attend and listen to the debate. There is no need to make any arrangements for this; you are entitled to just turn up.
- 3.1.2 The public have no express right to speak in a Scrutiny Committee meeting, but may ask for prior agreement to do so in accordance with this Guidance.
- 3.1.3 Some items are discussed in closed session, when the Committee is considering confidential information that has been declared as not for publication (subject to the public interest as mentioned in 2.4 above). The public and press will be asked to leave for these items. It follows that there will not be any public speaking in relation to these items.
- 3.1.4 Clearly, public speaking will not be appropriate on agenda items such as apologies for absence, declarations of interest and minutes.
- 3.1.5 The right to speak does not include the right to ask any questions of any IOACC member, officer of the Council, invited attendees or any other speaker.

3.2 Required Steps

- 3.2.1 In order to speak at a Scrutiny Committee meeting, a member of the public must have submitted a **written request**, using the available form and sent to the Scrutiny Officer. Verbal requests to speak will not be registered. The written request should be made using the form on this [link](#) and may include photographs or diagrams. A contributor must do this as soon as possible and at the latest **3 clear working days prior to the Committee meeting** (electronic submissions are encouraged). Any requests received after this time will be automatically rejected. Contact details, together with a copy of the relevant application form, can be found on the Council's [website](#).
- 3.2.2 One person may speak from each group or party where each group or party has something different to say in relation to an item. Individuals who are experts in a particular field, or hold a particular view which is not represented by a group or party, may also register their interest in speaking at a meeting. The Chair of the Committee will only allow a second/third etc. speaker, with the same perspective, in exceptional cases, and where there are clearly different arguments to be heard. This will be at the discretion of the Chair in consultation with the Scrutiny Officer and the Monitoring Officer.

For example, in relation to a report discussing several schools, it is reasonable that one speaker may be allowed from each school, but it is not reasonable to have all parents make an individual contribution. Or where an item discusses Leisure

Centres, it would be reasonable to allow different speakers from the different public groups that use the Leisure Centres, on the basis they all have something different to say, and they would not each be repeating the same points. The point is to ensure that the Committees hear all points of view, but that contributions are not repetitive.

- 3.2.3 All written requests will be recorded by the Council's Scrutiny Officer. The request will include details of who that individual is representing (if applicable). When arrangements are being made for a Committee meeting, the individual whose name first appears on the list i.e. the first person to register their interest to speak at the Committee meeting, in relation to each group / party of people, will be given the first opportunity to confirm if they still wish to speak. If the first registered person no longer wishes to speak, the offer will be made to the second registered person and the first registered person's place will be forfeited. Similarly, if the second registered person no longer wishes to speak, the offer will be made to the third registered person, and so forth. Once an offer is made to the next registered person on the list, and that person confirms they will attend to speak, the previous registered person cannot reassert their request to speak. The offer will only ever revert to the first registered speaker if every other person on the list has confirmed that they no longer wish to speak. Clearly, this does not apply to those contributors who are not representing groups/parties.
- 3.2.4 Those wishing to speak at Committee meetings should register their interest to do so as soon as possible by confirming their name and whom are they representing, (if applicable) and not delay for the Committee papers to be published, so as to avoid a situation where they miss the deadline noted in 3.2.1 above and/or other individuals have already registered to speak. Matters will usually be part of a wider consultation and so the public will be aware of the matters due to be considered. However, in order to ensure the public are fully aware, individuals are encouraged to review the [Forward Work Programme](#) (FWP) for the Scrutiny Committees which detail the matters that are scheduled to be discussed.
- 3.2.5 The Scrutiny Officer will give those who have registered to speak at Committee meetings as much notice as possible of the time, date and place of the meeting at which the item will be discussed. Committee agendas are published at least three clear working days before the Committee meeting and will include details of all matters to be discussed at that meeting.

3.3 At the Scrutiny Committee Meeting

- 3.3.1 As stated, meetings of Scrutiny Committees are usually held in public, they are open to the press and all reports are public documents unless they contain confidential information.
- 3.3.2 Prior to the start of the meeting contributors should introduce themselves to the Scrutiny Officer or the Committee Officer and they will arrange an introduction to the Chair. Public speakers should allow enough time for this to happen by aiming to arrive at Cyswllt Môn (Council's main HQ reception) about 15 minutes before the start of the meeting.

- 3.3.3 Speakers may communicate with the Committee in either Welsh or English (translation facilities are available at each meeting).
- 3.3.4 It is important that any speaker at a Scrutiny Committee meeting should talk in a responsible and respectful way in order to maximise the benefit of their contribution.
- 3.3.5 The Chair will introduce each speaker to the Committee when it is their turn to speak.
- 3.3.6 Each speaker will be asked to move to a specific location within the meeting room where they can be best seen and heard by all members of the Committee. Each speaker will be given **five minutes** to make their contribution.
- 3.3.7 Speakers are encouraged to consider the following:
- 3.3.7.1 Ensure comments are clear and concise, and directly related to the report on which they have asked to speak.
 - 3.3.7.2 Avoid repeating points made by any earlier speaker.
 - 3.3.7.3 Limit their views to the advantages or disadvantages of the proposals in the report and highlighting how the report could affect the delivery of services to specific user groups. Suggest alternative proposals.
- 3.3.8 Speakers are not allowed to hand out supporting documents at the Scrutiny Committee meeting or use visual / oral aids (such as photographs or diagrams or sound recordings). Any material received from the speaker under paragraph 3.2.1 shall be circulated by the Scrutiny Officer in advance, to the members of the Committee; subject to the caveat that the material is suitable for publication. This decision will be at the discretion of the Scrutiny Officer in consultation with the Monitoring Officer and the relevant lead service officer.
- 3.3.9 If a speaker is still talking after five minutes the Chair will usually wait for them to finish their sentence and then will let them know that they have reached their time limit. Contributors are not allowed to go over time so as to ensure fairness to any other speakers. In exceptional circumstances, the Chair may allow speakers a little more time; if so, other speakers in relation to the same item will be allowed the same amount of extra time.
- 3.3.10 Once the speaker has concluded their contribution, the Chair may allow Committee members to ask the speaker questions to clarify any points arising. The speaker must not enter into a debate with the members of the Committee.
- 3.3.11 The speaker will then return to their seat in the public gallery.
- 3.3.12 The Committee will discuss the issue before making a decision, and will take into account any information provided by all the speakers.
- 3.3.13 The Chair will ensure that all speakers are treated with courtesy and respect. The Chair will have the discretion to stop a speaker at any time in proceedings if, in the Chair's view, the speaker behaves improperly, offensively or tries to prevent the Committee from doing its work or makes comments which are defamatory, vexatious, discriminatory or offensive. In presiding over the meeting, the Chair will exercise his/her powers and duties in an active, fair and impartial manner so that

business can be carried out efficiently and with regard to the interests of the community.

3.3.14 The speaker may leave the meeting at any time after they have spoken.

4.0 Data Protection

4.1 Contact details, including email addresses and telephone numbers, are essential in order to allow the proper functioning of this Guidance and to allow speakers to attend the Scrutiny Committee meetings. Personal details are only collected for the purpose of administering public speaking at Scrutiny Committee meetings. Once an item has been determined at Committee, contact details will be deleted in accordance with the Council's published Retention Policy.

5.0 Summary

Any members of the public wishing to speak on a particular item in a Scrutiny Committee, should:

- Regularly review the Forward Work Programme available **[**HERE**](#)** in order to see what matters are coming up;
- Submit a written request using the form available **[**HERE**](#)**;
- The written request must be received by the Scrutiny Officer, **at least 3 clear working days** before the Committee meeting;
- Any queries should be directed to the individuals named in section 6 below.

6.0 Contact Details

Scrutiny Support Officer 01248 75xxxx
abc@ynysmon.gov.uk

Committee Services Officer 01248 75xxxx
def@ynysmon.gov.uk

APPENDIX 2 – Feedback from the Scrutiny Committees (Updated following Executive meeting on 23 March 2020)

The Public Speaking Protocol was considered by the Corporate Scrutiny Committee on the 9th of March and the Partnership and Regeneration Scrutiny Committee on the 11th of March and below is a summary of the comments / recommendations of both committees:

Scrutiny Committee Comments

The following points in particular were noted:

- The importance of raising public awareness of the existence of the Protocol as a framework to support them to contribute to meetings of scrutiny committees
- Discussion regarding the 5 minute time limit for speakers to contribute to scrutiny committees, especially on strategic or complex matters.
- A discussion was held regarding the intention to set a timetable of 3 working days for members of the public to request to speak at Council Scrutiny Committee meetings. It was noted that the discretion of the Chair would be implemented in relation to any requests that were not received within the published timetable, within special circumstances.

Corporate Scrutiny Committee, 09/03/20

Even though the majority of the Committee were supportive of the Protocol as it was presented and accepted that it was attempting to formalise and provide clarity regarding public speaking arrangement at Council Scrutiny Committees, some Members were concerned that the proposed Protocol placed an excessive constraint on the time given to people to make an application and to address the meeting and could therefore add to the pressure on individuals who are already nervous about speaking publicly or who are feeling emotional about the matter they wish to speak about. Those Members felt that the current informal arrangements, under the direction of the Chair, had served the Scrutiny Committee well so far.

Following a discussion and the subsequent vote, the Corporate Scrutiny Committee decided to agree to the Scrutiny Public Speaking Protocol as it was presented and to propose it be accepted by the Executive (Councillors Aled Morris Jones, Lewis Davies and Bryan Owen voted against).

Partnership and Regeneration Scrutiny Committee, 11/03/20

Following the discussion, it was unanimously decided:

That the Public Speaking Protocol for Scrutiny be adopted with the addition that when a late request to speak at the Scrutiny Committees is received that it be expected that the Scrutiny Chairs shall seek the advice of the relevant Officers.