

**OVERVIEW AND SCRUTINY - PUBLIC PARTICIPATION SCHEME AND  
ADOPTION OF REPORTS AND RECOMMENDATIONS**

**Assistant Chief Executive**

**1 PURPOSE OF REPORT**

- 1.1 To seek the Governance and Audit Committee's endorsement for Council's approval of two changes to the Constitution requested by the Overview and Scrutiny (O&S) Commission: a Public Participation Scheme for O&S, and to extend to the O&S Panels the Commission's power to adopt O&S reports, the making of recommendations to the Executive, Full Council and other organisations.

**RECOMMENDATIONS**

**Endorse for Council approval:**

- 2.1 **The draft Public Participation Scheme for Overview and Scrutiny, set out in Appendix 1.**
- 2.2 **Extending to the Overview and Scrutiny Panels the Commission's power to adopt Overview and Scrutiny reports, the making of recommendations to the Executive, Full Council and other organisations.**

**3 REASONS FOR RECOMMENDATIONS**

- 3.1 The Chief Executive and the Leader have previously agreed to a range of measures proposed by the former Chairman of the O&S Commission, aimed at improving public engagement with O&S, including designing and introducing a formal public participation scheme to cover O&S meetings. At its meeting on 15 September 2011, the Overview and Scrutiny Commission considered and agreed the draft scheme at Appendix 1.
- 3.2 The Overview and Scrutiny Commission decided at its meeting on 15 September 2011 to seek approval to extend to the O&S Panels the Commission's power to adopt Overview and Scrutiny reports, the making of recommendations to the Executive, Full Council and other organisations. Together with the Commission stepping aside from considering the responses to reports by O&S Panels, this would empower the Panels more appropriately, improve the speed and efficiency of the O&S process, and relieve the pressure on the O&S Commission's agendas.
- 3.2 Both the Public Participation Scheme and empowering the O&S Panels to adopt O&S reports would require Council's approval to changes to the Council's Constitution, on the recommendation of the Governance and Audit Committee.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 It might be possible to have a public participation scheme for general usage across all Council committees meeting in public. This might replace the existing public participation schemes for meetings of the Licensing and Safety Committee, also the Planning and Highways Committee, and possibly the public participation scheme for meetings of Council, as well as introducing a scheme for the Executive, the Employment Committee (and those of its committees not held in private), the Governance & Audit Committee and the Standards Committee.
- 4.2 Unifying and extending the public participation arrangements as set out in paragraph 4.1 would be quite complicated as different legal requirements apply to the individual committees. Also, the benefits of a wide extension at this stage are uncertain. It would therefore be preferable to await practical experience of the public participation scheme for O&S, and review the position then, as well as the new guidance on social media (see paragraph 5.11 below) before considering further extension of the public participation arrangements.
- 4.3 Regarding the restrictions to be placed on what matters might be permitted to be raised by members of the public, the Corporate Management Team (CMT) thought that it might be helpful for the participation to be limited to issues already to be considered at the relevant Commission/Panel meeting. CMT considered this would make the process simpler to manage and make the best use of limited time/resources. However, the O&S Commission considered this was too restrictive, and it would be sufficient to restrict matters to be raised within the remit of the Commission or Panel concerned.

## **5 SUPPORTING INFORMATION**

### Policy

- 5.1 The Council's published Values include the following statements: 'The Council exists to serve and lead the local community therefore residents are at the heart of everything we do. While serving residents we will be:
- Friendly and approachable - we will be open, listening and straightforward.
  - Accountable – as a democratic organisation and as individuals we will be accountable to Bracknell Forest residents.'
- 5.2 Bracknell Forest Partnership's Community Engagement Strategy's aims include:
- Increase the inclusiveness of consultation and engagement activities ensuring that all people have equal opportunity to have their voices heard.
  - Enable communities to take an active role in tackling the issues which affect them, by encouraging the reporting of community issues to relevant partners.
- 5.3 The Strategy goes on to state, 'We will provide opportunities for our residents to influence decisions, opportunities to provide feedback on decisions, services and policies'; and that the Partnership will 'know when we have engaged and empowered our communities:

- Communities will feel included and involved in shaping local services and will trust the agencies that serve them.
  - We will proactively engage with all people to encourage them to play a part in community life.'
- 5.4 The Council's Medium Term Objective 7 is, 'Seek to ensure that every resident feels included and able to access the services they need' and the detailed objectives under that include increasing engagement in and awareness of democratic processes.

#### Public Engagement with Overview and Scrutiny

- 5.5 On 16 March 2010, the Chairman of the O&S Commission wrote to the Leader and the Chief Executive on improving public engagement with O&S. The Chairman said that as one of the principal means of public accountability, effective scrutiny needs to take account of the views and concerns of residents, and provide opportunities for the public to be involved and engaged with the O&S process. This had received legal backing through the Local Democracy, Economic Development and Construction Act 2009. The Act contained a new duty on councils to promote democracy - putting local authorities at the forefront of the drive to reconnect people with public and political decision-making. The duty is aimed at ensuring all sections of the community understand how the council works, who makes the decisions on their behalf in their neighbourhood, and how they can get involved if they wish to.
- 5.6 In his letter, the Chairman proposed a range of measures to improve public engagement with O&S. This had been self-assessed as an area of weakness, in common with most other local authorities. These actions, agreed by the Leader and the Chief Executive included, 'Design and secure approval for a formal public participation scheme to cover O&S meetings.'

#### Existing Public Participation Schemes

- 5.7 The Council's Constitution currently provides for public participation schemes for people wishing to speak at meetings of the Planning and Highways Committee<sup>1</sup> also the Licensing and Safety Committee<sup>2</sup>, as well as the Council's scheme for public participation at meetings of the Council. These have been used as the basis for the proposed O&S scheme at Appendix 1.
- 5.8 The Centre for Public Scrutiny (CfPS) has established four core principles to help people understand the most important activities of O&S, including that O&S, 'enables the voice and concerns of the public and its communities'. This forms part of the CfPS 'Good Scrutiny Guide'.

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<sup>1</sup> The Planning and Highways scheme is on the Council's website at <http://www.bracknell-forest.gov.uk/environment/env-planning-and-development/env-view-existing-planning-applications/env-planning-speak-to-committee.htm>

<sup>2</sup> The Licensing and Safety Committee scheme is on the Council's website at <http://www.bracknell-forest.gov.uk/speaking-to-reports-at-licensing-and-safety-committee-meetings.pdf>

- 5.9 As part of our research officers used the CfPS's 'Scrutiny Exchange' website to gather information on what public participation arrangements are used in other councils' O&S meetings. The councils which responded used a variety of approaches, and we have made use of this information, together with internet research of O&S public participation schemes in producing the draft scheme at Appendix 1. O&S public participation arrangements in use by other councils show a mixed picture. Many do not have formal schemes, such that – like Bracknell Forest currently – members of the public would only be allowed to speak at the Chairman's discretion. The few schemes we have seen include in some cases: a 'public platform' at the start of every O&S meeting in public, requiring seven days notice of questions, presentation of petitions, and varying time restrictions on people allowed to speak.
- 5.10 There is a distinct risk that residents might wish to use the proposed public participation scheme to pursue individual complaints. This would not be appropriate and it will require firm application of the scheme's rules on what can be included, both before and during O&S meetings.

#### Social Media

- 5.11 A project is currently underway to review the business benefits of using social media to engage with local residents. The second phase of this project is due to be completed in October 2011 and a report presented to CMT with recommendations on how to proceed with the use of social media across the council in a managed and supported way. The work of this project will help to inform the use of new media in improving public engagement and participation and provide clear guidance on the approach to take moving forward.

#### Constitution

- 5.12 The references in the Constitution which would require changing to accommodate a public participation scheme for O&S, also empowering O&S Panels to adopt reports and make recommendations, are shown in Appendix 2.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

#### Statutory Scrutiny Officer

- 6.1 The participation of members of the public in the Overview and Scrutiny function is in line with many of the Council's stated objectives for encouraging participation and being open and accountable to local residents.

#### Borough Solicitor

- 6.2 The Local Government Act 2000 requires the Council to have at least one Overview and Scrutiny Committee with powers including to make reports or recommendations to Full Council or the Executive. The legislation provides for that Committee to delegate to a sub-committee. The Council has appointed the Overview and Scrutiny Commission, to discharge the functions conferred by Section 21 of the Local Government Act 2000. The Council's Constitution provides that, 'the O&S Commission shall.....make reports and/or recommendations to Council and/or the Executive and/or any other committee in connection with the discharge of any functions.' A change to the

Constitution would be required to allow Panels to exercise that power. This would therefore need to be considered by the Governance and Audit Committee and approved by Council.

Borough Treasurer

- 6.3 There are no financial implications arising from the recommendations in this report.

Equalities Impact Assessment

- 6.4 Not applicable. The report does not contain any recommendations impacting on equalities issues.

Strategic Risk Management Issues

- 6.5 Not applicable. The report does not contain any recommendations impacting on strategic risk management issues.

Other Officers

- 6.6 The views of the Corporate Management Team, Chief Officer: Customer Services, the Head of Democratic and Registration Services, the Head of Community Engagement and Equalities, and the Web Services Manager were obtained in the production of this report.

**7 CONSULTATION**

Principal Groups Consulted

- 7.1 None.

Method of Consultation

- 7.2 Not applicable.

Representations Received

- 7.3 None.

Background Papers

Council Constitution. Correspondence on public engagement with Overview and Scrutiny.

Contact for further information

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## **OVERVIEW AND SCRUTINY PUBLIC PARTICIPATION SCHEME**

### ***Speaking at Overview and Scrutiny Meetings***

Bracknell Forest Council is committed to encouraging greater public participation in its work. This includes providing opportunities for the public to be involved and engaged with the Overview and Scrutiny (O&S) process, which is the principal means of ensuring transparent, democratic accountability for the running of the Council.

This public participation scheme allows members of the public to speak at meetings of the O&S Commission and O&S Panels, under the control of the Chairmen of the meetings. The scheme gives members of the public the opportunity to tell Councillors directly about the things that concern them. All issues raised by the public under this scheme will be given careful consideration.

The information below explains when you can speak and what will happen at the meeting.

### **When is public speaking permitted?**

Speaking is only permitted when:

1. A written notification (including by email or fax) of a request to speak at the Commission or Panel meeting is received by Democratic Services by 1200 noon at least three clear working days prior to the meeting;
2. The notification indicates the subject to be raised and the name of the person who intends to speak;
3. The subject is judged by the Council to fall within the Scheme (see below) and be relevant to the agenda of the Overview and Scrutiny Commission or particular Panel meeting in question. Subjects will be excluded only in exceptional circumstances, and the reasons for rejection will be explained.
4. The time provided for public speaking has not been over-subscribed for the meeting in question. If it has, the Chairman will decide whether to curtail or defer questions to the following meeting, or exceptionally to lengthen the time for public speaking.

### **What will happen at the Commission or Panel meeting?**

1. The speakers must attend the meeting and report to the Democratic Services officer not less than 15 minutes prior to the start of the meeting.
2. Copies of questions or statements received will be circulated to members of the O&S Commission or Panel concerned, and will be made available to members of the public who attend the meeting.
3. Once the meeting has reached the agenda item on subjects raised by the public, the Chairman will invite each registered speaker in turn to speak for 3 minutes to outline his/her views. This time limit will be strictly enforced.
4. The speaker will not be allowed to ask supplementary questions of Councillors, officers or others at the meeting.

5. The Members of the Committee may ask the speaker, through the Chairman for clarification of any points raised.
6. The Chairman may choose to ask Council officers to comment on any points raised before the Commission or Panel proceeds with its deliberations.

### **What falls outside the scheme?**

Some matters fall outside the scope of this scheme. These are:

1. Personal circumstances where it would not be appropriate for details to be aired in open session.
2. Individual complaints. The Council has a corporate complaints procedure which must be accessed instead.
3. Matters appropriate to one of the Council's regulatory or decision making bodies.
4. Other issues of any kind which have been formally published and where specific arrangements are made for the public to express their views.
5. Matters unrelated to the remit of the relevant Overview and Scrutiny Commission or Panel.
6. The Chairman may also reject a submission if it:
  - is not about a matter for which the local authority has a responsibility or which affects the Borough;
  - is defamatory, frivolous or offensive;
  - is substantially the same as a submission which has been put to and considered by a meeting of the O&S Commission or an O&S Panel in the past six months;
  - is about the subject of an appeal or review procedure that has not yet been concluded; or
  - requires the disclosure of confidential or exempt information.

### **How do I arrange to speak at the meeting?**

To speak at an Overview and Scrutiny meeting you must register with the Council's Democratic Services section by 12 noon at least three clear working days before the day of the meeting.

Speakers are registered on a "first- come" basis and the Chairman will decide on the maximum number of speakers in the light of time available (usually a maximum of 20 minutes). Consequently, it cannot be guaranteed that everyone who applies will be allowed to speak.

The register of speakers is kept by the Democratic Services section at Easthampstead House, and the names of speakers will be publicly available at the appropriate O&S meeting.

To register, you must be resident in the Borough of Bracknell Forest, or a representative of a business operating in the area of the Authority. You must contact the office at Easthampstead House, Town Square, Bracknell, or on 01344 352000 during normal office hours. You must give your name, address, daytime contact number, your agreement that your name can be published and a summary of the subject to be raised. To assist you, a form is available on our website.

The Scheme is not open to employees of the Council wishing to make representations in that capacity. Employees' rights as private citizens to use this

scheme are preserved. Only one person may speak about each submission at the meeting.

In the case of a statement on behalf of an organisation or more than one person, you must identify the organisation and others who are party to the submission.

### **What do I do at the meeting?**

If registered to speak, you must arrive at the meeting venue, which will usually be the Council Chamber at Easthampstead House, at least 15 minutes before the start of the meeting of the Commission or Panel, and report to the Democratic Services Officer who will be present. If you fail to do this, you may not be permitted to speak.

When the Commission/Panel reaches your item, and depending on the time available, the Chairman may call you to speak. You must behave appropriately for a meeting of a local authority, showing courtesy and respect for everyone else present, and not make any remarks which are insulting, offensive, defamatory or inflammatory. You should limit your speaking to three minutes, and you must cease speaking whenever instructed to do so by the Chairman.

The Chairman of the meeting may allow a discussion and questions to be raised on your statement.

The prospect of speaking at a formal meeting of the Council may be daunting for the public. All reasonable help and support will be made available to those who wish to use this scheme, including allowing you to use the PA system in the Council Chamber. The Councillors and Officers present will treat members of the public with courtesy and respect. If you have any special needs, please advise officers of this at least one working day before the meeting.

### **What happens after the meeting?**

The members of the O&S Commission or Panel concerned, or officers, may contact you afterwards to seek your further input. You will be informed of any action taken.

### **Where is the meeting?**

The Overview and Scrutiny Commission meets every two months and the O&S Panels meet every three months, usually at 7.30pm in the Council Chamber at [Easthampstead House](#).

[View information about Overview and Scrutiny at Bracknell Forest.](#)

Car parking is usually available at Easthampstead House in the evenings.

### **Further Information**

For further information, or to register for public speaking, please contact:

Customer Services  
Democratic Services



Bracknell Forest Council  
Easthampstead House  
Town Square  
Bracknell  
RG12 1AQ

Tel: 01344 352000

Email: [customer.services@bracknell-forest.gov.uk](mailto:customer.services@bracknell-forest.gov.uk)

NB: Our busy hours are between 9:30am and 11:30am.

## **CHANGES TO THE CONSTITUTION**

### **1. PUBLIC PARTICIPATION SCHEME FOR OVERVIEW AND SCRUTINY**

(Proposed changes shown in blue, underlined text)

#### **PART 4, SECTION 3 – COUNCIL PROCEDURE RULES**

##### **9. PUBLIC PARTICIPATION**

9.2 The **Overview and Scrutiny Commission, the** Licensing and Safety Committee and the Planning and Highways Committee may make arrangements for public speaking at its meetings and meetings of its Sub- Committees **and Panels**.

#### **ANNEX to Council Procedure Rules**

#### **Scheme for Public Participation at Meetings of the Council**

The public are welcome to attend Council, Executive, Committee and Sub-Committee meetings where open business is discussed, but may not speak to the meeting **unless a Public Participation scheme has been adopted for the meeting concerned**. All such meetings will be held in accommodation that has reasonable access and seating for the public. A summary of public rights of access to information is contained in the Access to Information Procedure Rules available for inspection at the Council offices, Easthampstead House, Town Square, Bracknell.

#### **PART 4, SECTION 4 – COMMITTEE PROCEDURE RULES**

##### **12. PUBLIC PARTICIPATION**

12.1 The **Overview and Scrutiny Commission, the** Licensing and Safety Committee, the Planning and Highways Committee and the Appeals Committee may make arrangements for public speaking at its meetings and meetings of its Sub-Committees **and Panels**.

### **2. EMPOWERING OVERVIEW AND SCRUTINY PANELS TO ADOPT REPORTS AND MAKE RECOMMENDATIONS**

#### **Section 2 part 3 of the Constitution**

##### **2.2 Terms of Reference**

The Overview and Scrutiny Commission shall:

(v) **itself, or through an overview and scrutiny panel**: make reports and/or recommendations to Council and/or the Executive and/or any other committee in connection with the discharge of any functions.