

## **Environment and Communities Committee – March 2025**

### **Written responses to questions raised by Committee Members**

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#### **Question 2:**

It was highlighted that a recent Officer Decision Record (ODR) published on the mobile recycling service stated that there was no growth in 2025-26 however a net growth in environmental services was reported. It was queried if the ODR would result in a budget cut or was within current budgets and how this would sit within budget lines 83 and 84 (Environmental Services Growth 2025-26 onwards / Environmental Services Savings 2025-26 onwards). A detailed breakdown of lines 83 and 84 were requested. Officers committed to providing a written response.

#### **Response 2:**

The breakdown of the lines is in appendix B.

#### **Question 4:**

It was noted that, in relation to libraries, £297k income was anticipated. It was queried if this included an allocation for Town and Parish Council's contributing through the 'Top Up Service' and if so, how many T3 libraries had signed up to this.

#### **Response 4:**

Tier 3 top ups are budgeted at £98k across 4 libraries.

#### **Question 6:**

Questions were raised in relation to the Strategic Leisure Review. The Chair sought advice and confirmed that this matter was not a substantive item on the agenda and should not be debated during today's meeting.

#### **Response 6: - letter from the Monitoring Officer**

Dear Committee Members

Re Question Raised at Environment and Communities Committee 27 March 2025

Further to the question raised at the above committee as to the grounds for the Chair not allowing questions on the matter of the Strategic Leisure Review (SLR), I have considered this matter, taken the opportunity of speaking with the lawyer advising the Chair and committee, reviewing the Chairs script and also listening to the recording.

I note that the question was raised under item 5, set out on the agenda as 'Service Budgets 2025/26 (Environment & Communities Committee)'. I further note that the

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report on this item states as its purpose to set out the allocation of the approved budgets for 2025/26 to the Environment and Communities Committee and that the committee was recommended;

1. To note the decision of the Finance Sub-Committee to allocate the approved revenue and capital budgets, related budget changes items and earmarked reserves to the Environment and Communities Committee, as set out in Annex A.
2. To note the financial reporting timetable for 2025/26 set out in Annex B as approved at Finance Sub-Committee on 10 March 2025.

Prior to the meeting, as Monitoring Officer, I was made aware that members of the public and elected members not appointed to the committee, wished to attend and speak on matters listed within the documentation on this item. This related in particular to items listed with Annex A, titled 'Service Budgets 2025/26' and that listed within Section 2, which is titled 'Approved Budget Change Items 2025/26', (the SLR) and that within Section 3 titled 'Capital Programme 2025/26' (Review of Household Waste Recycling Centres (HWRC)). At that time, I was satisfied that the

correct advice had been given in line with the rules within the Constitution, that members of the public could not speak on those matters. The relevant rules are as follows;

Chapter 3, Part 1, Section 2, Public Speaking and Questions, Paragraphs 2.25 and 2.26;

2.25 Members of the public are required to give 3 clear working days' notice of their intention to make use of the questions facility.

2.26 Members of the public may ask questions on any matter relating to the agenda of the Committee, provided that the Chair retains the discretion to rule a question out of order and require the member of the public to cease speaking if the questioner mentions matters that are: • inappropriate, frivolous, derogatory, offensive, vexatious or otherwise improper; • related to a Council employment or staffing matter; • potentially defamatory; or • substantially the same as any question submitted to a meeting of Council during the preceding 6 months.

As it is clear that matters such as the SLR and HWRC were not substantive agenda items, and were lines within an already approved budget, I was and remain satisfied that they are not matters relating to the agenda. The advice to those members of the public that they could not speak to those matters was therefore correct. In addition, I note that it is intended that a report regarding the SLR is on the work programme of the committee for a future meeting. It would therefore have been inappropriate to enter into debate or discussion on that matter, as elected members could be seen to be biased or predetermining their position prior to any further consideration or decision of that matter.

In relation to elected members not appointed to the committee, often referred to as 'visiting members', again I was satisfied that the correct advice had been given in line with the rules within the Constitution, that they could not attend and speak on such items unless the Chair allowed them to do so. These are as follows;

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Chapter 3, Part 1, Section 2, Attendance of Councillors at Committees and Sub-Committees of which they are not Appointed Members Paragraphs 2.49 a) and 2.52;

2.49 Notwithstanding their rights as a member of the public, a Councillor may:

a) attend any meeting of a Committee or Sub-Committee to which he/she has not been appointed, for the purposes of performing his/her duties as a Councillor, subject to below;

2.52 The Councillor has no right to vote and may speak only with the consent of the Chair of the meeting.

It is clear from these rules that the Chair has absolute discretion in relation to visiting members speaking at meetings. I am satisfied that as stated above, matters such as the SLR and HWRC were not substantive agenda items, were lines within an already approved budget and/or to be the subject of future reports and it is therefore entirely within the remit of the Chair to rule out any discussion on such matters. The advice to those members that they could not speak to those matters unless the Chair consented and they did not, was therefore correct.

Turning to the meeting itself and the rules regarding speaking that apply to members who are appointed to the committee and/or their substitutes. It is clear from both the written rules and indeed common practice, that the Mayor at Council meetings and Chair of any committee or sub-committee meeting, must be given respect and allowed to preside over the meeting. Indeed that is the general position regarding the chair of any meeting. They are elected into that position and that role attracts appropriate gravitas. There are however specific rules within the Constitution which state the requirement for respect and that they have discretion as to how they apply the rules.

Chapter 3, Part 1, Section 2, Respect for the Chair Paragraph 2.54 states;

2.54 In Committee or Sub-Committee meetings, whenever the Chair rises from his/her seat, Councillors should remain in their seats and the Committee or Sub-Committee shall be silent.

Chapter 3, Part 1, Section 2, Interpretation of Procedure Rules Paragraph 4.26 states;

4.26 The ruling of the person presiding as to the construction or application of any of these Procedure Rules, or as to any proceedings of the Council, shall not be challenged at any meeting.

I have also noted Chapter 3, Part 1, Section 2, Rules of Debate at Committees and Sub-Committees Paragraph 2.30 states;

2.30 Rules of debate shall be the same as for Council meetings except that the requirement for amendments to be submitted to the Monitoring Officer no less than three clear working days before the meeting shall not apply to meetings of committees and sub committees.

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I refer to this provision as I have further noted that the Rules of Debate for Council Meetings set out in the Council Procedure Rules, Chapter 3 Part 1 Paragraph 1.48 state;

### **Content and Length of Speeches**

1.48 A Councillor will confine his/her speech to the question under discussion, a personal explanation or a point of order. Except as indicated below, in the case of speeches made by Councillors when the Council is agreeing a budget, or where the Council, Committee or Sub-Committee otherwise agrees, no speech will exceed 3 minutes.

Having reviewed these provisions, I am satisfied that it was entirely within the discretion of the Chair to rule out discussion at the meeting of matters that are not substantive items on the agenda and are otherwise not the matters under discussion. I am aware that a conversation was had with the Chair regarding her power prior to the meeting and she was again supported during the meeting in maintaining that position. Debate regarding matters such as SLR and HWRC was matter for the Chair to determine and the Chair's actions and the advice given was correct.

In addition to the above, I have given further consideration as to why it is important that the Mayor or Chair be allowed to exercise their discretion, seek advice and guidance and indeed why the above rules themselves are important. I am satisfied that meetings of a local authority must be conducted in line with the Nolan Principles and good order maintained. The Chair is responsible for ensuring the business of the Council is conducted in line with those principles and also that respect for members and officers is maintained. That is stated within the script and everyone is reminded of this.

I am also very mindful as Monitoring Officer that we are all public servants and the rules as to openness and transparency must also be followed. Members of the public viewing agendas must be able to clearly know and understand the issues to be debated and decided upon. To allow debate on matters not listed on the agenda would be contrary to this in my view.

In conclusion, I am satisfied that the meeting was correctly conducted, that it was entirely a matter for the Chair to take the decisions made and they were reasonable and proportionate for the reason stated.