

CHESHIRE EAST COUNCIL

Constitution Committee

Date of Meeting: 20th September 2012
Report of: Borough Solicitor
Subject/Title: Notice of Motion - Right to Speak at Meetings

1.0 Report Summary

- 1.1 This report responds to a motion, referred by Council on 19th July 2012 to the Constitution Committee, and seeks a recommendation back to Council.

2.0 Recommendation

- 2.1 That the Committee consider the motion and decide what advice to offer to Council.

3.0 Reasons for Recommendations

- 3.1 To offer advice to Council.

4.0 Wards Affected

- 4.1 N/A

5.0 Local Ward Members

- 5.1 N/A

6.0 Policy Implications (including carbon reduction and health)

- 6.1 None

7.0 Financial Implications (authorised by Director of Finance and Business Services)

- 7.1 None

8.0 Legal Implications (authorised by Borough Solicitor)

- 8.1 Any changes to the arrangements for speaking at meetings may require an amendment to the Constitution.

9.0 Risk Management

- 9.1 There are no risks identified with this matter.

10.0 Background

- 10.1 At the Council meeting on 19th July 2012, Councillor A Moran proposed and Councillor P Edwards seconded the following motion under Council Procedure Rule 12:

“That visiting members to all Cabinet meetings, committees and sub-committees have the right to speak once on each separate item on the agenda before the debate proper commences. This will apply to all items on the agenda including part 2 items.”

The motion was referred to the Constitution Committee for consideration.

11.0 Current Arrangements

- 11.1 Under the current arrangements as set out in the Constitution, any member may attend any meeting and, with the consent of the chairman or person presiding, speak on any matter on the agenda. This includes Part 2 business except where this concerns vulnerable adults or children, or individual members of staff, in which case the member must demonstrate a need to know in accordance with the Access to Information Procedure Rules.
- 11.2 Special circumstances apply to planning meetings and Licensing Act Sub-Committee meetings. Planning meetings are governed by a public speaking protocol which allows non-committee members to speak for a limited period provided they have registered beforehand. Licensing Act Sub-Committee meetings are governed by a statutory procedure which restricts participation by non-committee members.
- 11.3 Certain categories of members already have the right to speak at meetings. These include local ward members where a matter specifically affects their ward, and scrutiny chairmen and spokesmen who may attend and speak at the Cabinet and relevant Portfolio Holder meetings. Members who have submitted a motion at Council under Procedure Rule 12 may speak on that motion at the meeting to which the motion has been referred.

12.0 The proposal

- 12.1 The motion proposes that all visiting members should have the right to speak once on any item on the agenda and that this right should be exercised ‘before the debate proper commences’. The motion does not suggest how long a visiting member should be allowed to speak on a matter.
- 12.2 The proposal would enable visiting members attending a meeting to speak without having to rely on the discretion of the chairman.
- 12.3 It is currently the practice at Cabinet meetings to invite visiting members to speak immediately after the report has been introduced. At other meetings, a less formal approach has been adopted hitherto.

- 12.4 The officers have informally consulted the Chairman and Vice-Chairman of this Committee who are of the view that because of the need to manage the business of the meeting efficiently and effectively, and given the potential for delay if a significant number of visiting members wished to speak on a number of items, the ability of visiting members to speak at meetings should continue to be left to the discretion of the Chairman.

13.0 Access to Information

Background papers:

Cheshire East Council Constitution (available as a public document on the website):

Committee Procedure Rules, paragraph 38

Cabinet Procedure Rules, paragraph 45

Access to Information Act Procedure Rules, paragraph 19

Planning Protocol on Public Speaking

Local Ward Member Protocol

The background papers relating to this report can be inspected by contacting the report writer:

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