

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Council
27th October 2021

Report of the Head of Legal and Democratic Services – Mr Craig Griffiths

Matter for Decision

Wards Affected:

All wards

Public Speaking at Council Meetings

Purpose of the Report:

1. To commend the findings of the Democratic Services Committee in respect of Public Speaking at meetings to Council for approval.

Background:

2. One of the requirements of the Local Government and Elections Wales Act 2021 (“the Act”) is that local authorities must establish ways of promoting and facilitating processes by which local people may make representations to the principal council about a decision before, and after, it is made.
3. Neath Port Talbot County Borough Council (“the Council”) already has a number of measures in place for the public to participate in decision making. Both elected members and the public have various rights to participate in the Council’s democratic processes. Part 4 of the Constitution sets out the procedure rules of the Council which govern the conduct of all council/cabinet/committee meetings and decision making within these forums.

4. There are two different types of involvement that the public can have as part of the participation in the democratic processes of the Council and these relate to themselves as individuals and also involvement via their local member.
5. The public are able to attend any meetings of council/cabinet/cabinet boards or committees where matters are considered in public. They are only excluded where matters are deemed confidential or exempt by virtue of the Local Government Act 1972, where reports are considered in private and members subsequently resolve to exclude the public.
6. The public are also able to present petitions on any matter and the Council requires such petitions to be handed to the relevant directorate. The public are not entitled to provide such petitions during an actual meeting of the council/cabinet/cabinet boards or committees. Members should note that a Council Petition Scheme will shortly be considered by Democratic Services Committee and commended to Council by the end of 2021
7. Members of the public are entitled to speak in the following circumstances:
 - a. Where they are witnesses before a Standards Committee established under the Standards Committees (Wales) Regulations 2001 to hear code of conduct matters against county borough and town/community councillors;
 - b. Where they are applicants for a licence or a witness to any matters before the Licensing and Gambling Acts Committee;
 - c. Where they are making representations for or against a development before the Planning Committee in line with the Council's Protocol for speaking at meetings of the Planning Committee.
 - d. Where they are invited to attend a Scrutiny Committee to discuss an issue of local concern and/or answer questions in accordance with the Council's Scrutiny Procedure Rules.
8. It should be noted that a Scrutiny Committee shall make arrangements to enable all persons who live or work in the area of the Council to bring to the attention of the Committee their views on any matter under consideration by that Committee. The Council achieves this via the publication of the forward work programme

and the publication of the agenda (in accordance with statutory rules). However, persons who live or work in the Council's area may submit written representations on any matter under consideration by the Committee by submission to the Chief Executive up until one clear day before any relevant meeting of the Committee and these representations shall be reported to the Committee either in full or in summary at the discretion of the Chair

9. Elected members are of course able to bring any matter referred to them by their constituents before council/cabinet/cabinet boards or committees. In the following manner:
 - a. A member of Council may ask the Leader or the Chair of a cabinet/cabinet board or committee any question without notice on any item being received or under consideration;
 - b. If an item is not on the agenda for discussion, a member may ask the Mayor, any member of the Executive or a Chair of any committee any question on any matter to which the Council has powers or duties or which affects the area provided that at least 1 working day notice in writing is given to the Chief Executive or where the matter is urgent they have the consent of the Chair to put the question and it is provided no later than 2 hours before the start of the meeting to the Chief Executive.
 - c. Members can make a Motion on Notice provided it is signed by at least 2 members and delivered to the Chief Executive no later than 8 clear days before the date of the meeting.
 - d. Members can propose a motion (without notice) on any matter that is being considered by members at a meeting of council/cabinet/cabinet boards or committee.
 - e. Members of Scrutiny Committees can request matters be considered by the Scrutiny Committee in respect of matters relating to the discharge of the Council's functions provided 8 clear working days' notice is given.
 - f. Members can 'Call In' items following consideration by the executive/cabinet within 3 days of the decision being made (subject to the appropriate number of members requesting the same).

10. One additional method though that would aid in allowing greater access for constituents to raise issues with the Council would be to provide the opportunity for members of the public to ask questions to elected members at meetings of Council.
11. Accordingly, a draft protocol of public speaking has been prepared and is enclosed at Appendix 1 for member's approval.
12. Members of the Democratic Services Committee considered the same at their meeting of the 11th October 2021 and now commend this Public Speaking Protocol to Council for approval with the aim that it will come into effect from the 3rd January 2022. This will enable the Council to provide a translation of the scheme and publicise the same via our social media platforms.
13. Once implemented, it would be proposed that the Public Speaking Protocol be reviewed after a period of 12 months to ensure it remains appropriate or whether amendments may be required to ensure the overarching aims of providing the public the opportunity to raise questions with members are being met.

Financial Impacts:

14. An additional financial pressure may be identified where there is a need to ensure further Welsh language translation of particular questions that maybe raised and to accommodate any reasonable adjustments that are necessary to meet Equality Act 2010 obligations to allow members of the public to raise questions. This financial impact will be kept under review.

Integrated Impact Assessment:

15. A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016. The first stage assessment, attached at Appendix 2, has indicated that a more in-depth assessment is not required.

Valleys Communities Impacts:

16. There are no valley community impacts

Workforce Impacts:

17. There are no workforce impacts associated with the proposed implementation; however any workforce implications that arise from the draft protocol will need to be evaluated and in the event of any impacts a report will be brought back to members for consideration.

Legal Impacts:

18. The protocol will enable the Council to meet its legislative obligations under the Local Government and Elections (Wales) Act 2021

Risk Management Impacts:

19. There are no risk management issues associated with this report.

Consultation:

20. There will be no requirement for any consultation.

Recommendations:

21. It is recommended that, having due regard to the Integrated Impact Screening Assessment:
 - (a) Members endorse the implementation the Public Speaking Protocol set out at Appendix 1 of this report from 3rd January 2022; and

(b) Delegated authority be granted to the Head of Legal and Democratic Services to update the Constitution to include reference to the Public Speaking Protocol.

Reasons for Proposed Decision:

22. To ensure that the Council is promoting and facilitating processes by which local people may make representations before, and after, a decision is made by the Council.

Implementation of Decision:

23. The decision is proposed for implementation immediately

Appendices:

24. Appendix 1 - Draft Public Speaking Protocol

Appendix 2 – Integrated Impact Screening Assessment

List of Background Papers:

25. None

Officer Contact:

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Appendix 1

PROTOCOL FOR PUBLIC SPEAKING AT COUNCIL MEETINGS

- 1) A period of up to 15 minutes in each meeting shall be allowed for public questions commencing from the 3rd January 2022 and shall be reviewed by the Democratic Services Committee by the end of December 2022.
- 2) Any person (other than Members or employees of the Council) who resides or works in the locality of Neath Port Talbot may ask questions of Cabinet Members or of the chairs of committees of the Council at Ordinary Meetings of the Council, Cabinet/Cabinet Boards, Democratic Services Committee, Standards Committee and Governance and Audit Committee only.
- 3) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the mailbox set up by the Democratic Services Manager for such purpose no later than 5pm, 2 Working Days before the day of the meeting. Each question must give the name and address of the questioner and must specify the person to whom it is to be put (by name or title).
- 4) Where the questioner indicates that they wish to ask their questions in the Welsh language, Welsh language translation will be sought for that particular question and answer. In the event that Welsh language translation is not available, then this will be discussed with the questioner and alternative arrangements will be considered/sought.
- 5) Where the questioner indicates any additional needs to enable the question to be put, Democratic Services officers shall liaise with the questioner to ensure all appropriate needs are capable of

being met in the delivery of the questions. In the event that reasonable adjustments are not able to be made, alternative methods of delivery of the question will be considered with the questioner.

- 6) At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.
- 7) The number of questions that an individual can ask in a municipal year shall be limited to two (to ensure that all individuals have an opportunity to attend such meetings). In the event though that a person wishes to attend a meeting to ask a question over and above these two occasions, they shall be entitled to request it, provided their question is not rejected pursuant to clause 8 below.
- 8) The Chair may reject a question, provided they have consulted with the Chief Executive, Monitoring Officer or Head of Democratic Services, (with the ruling of the Chair final) if it:
 - a) is not related to matters for which the Council has a responsibility and which substantially affect the well-being of the administrative area of the Council and/or the citizens (or a significant group of them) of the Council.
 - b) Comes from an individual who has been declared a vexatious complainant pursuant to the Council's Unreasonable Behaviour Policy.
 - c) is in relation to matters which
 - (i) are defamatory, frivolous or offensive;
 - (ii) have been considered by the Council's Corporate Complaints Policy
 - (iii) require the disclosure of confidential or exempt information;or

- (iv) relate to the personal circumstances or conduct of any officer and/or Member or conditions of service of employees;
 - (v) relate to an individual, particular group or business or the questioner's own particular circumstances;
 - (vi) which are ultra vires the Council or unlawful;
 - (vii) is substantially the same as a question which has been put at a meeting in the past six months;
 - (viii) relates to a matter which is the subject of legal or enforcement proceedings or an appeal to a court or tribunal or to a Government Minister or a Member of the Senedd, or an investigation which is subject to an investigation by the Public Service Ombudsman for Wales;
 - (ix) relates to the activities and aims of a political party or organisation;
 - (x) relates to a decision of the Planning/Licensing/Democratic Services or Standards Committee (including any sub-committees) or a matter which may result in a decision by one of the aforementioned committees;
 - (xi) is a statement or otherwise is not a genuine enquiry; or
 - (xii) would require the expenditure of a disproportionate amount of time, money or effort to prepare the answer
- 9) The Democratic Services Manager will make a record of each question received and a copy of the questions to be asked at a meeting will be open to public inspection and circulated to Members prior to the meeting. The questioner shall be given the opportunity to read their question orally.
- 10) Questions will be asked in the order in which notice of them was received, except that the Chair may group together similar questions.

- 11) If the questioner is absent or fails to identify themselves then the question will be deemed to be withdrawn or alternatively arrangements can be made with the local member for the issue to be raised on their behalf.
- 12) A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must relate to the original question or the answer given and be limited to one minute. The Chair may reject a supplementary question on any of the grounds set out above.
- 13) No more than five minutes will be allowed for a response to any one question.
- 14) Any question which cannot be dealt with during public question time, either because of lack of time or because of the nonattendance of the Member, to whom it was to be put, will be dealt with by a written answer and a copy of the answer will be recorded in the minutes of the meeting
- 15) An answer may take the form of:
 - a) an oral answer given by the person to whom the question is addressed or another person nominated by them;
 - b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - c) where the reply cannot conveniently be given orally, a written answer circulated later to Members of the Council.
- 16) A person to whom a question is addressed may decline to answer provided that they state the reason for declining to answer.
- 17) The Chair shall have discretion to instruct that a composite answer may be given to any questions which are closely related or

on the same subject matter, wherever he/she considers this appropriate. This shall not prejudice any right to ask a supplementary question, which may be available under the Council Procedure Rules and Constitution.

- 18) A copy of the questions that are to be asked at a Cabinet/Cabinet Board shall be included on the Agenda item for the corresponding Overview and Scrutiny Committee.

Impact Assessment - First Stage

1. Details of the initiative

Initiative description and summary: Implementation of a Public Speaking Protocol at Council Meetings
Service Area: Democratic Services
Directorate: Chief Executives

2. Does the initiative affect:

	Yes	No
Service users	X	
Staff	X	
Wider community	X	
Internal administrative process only		X

3. Does the initiative impact on people because of their:

	Yes	No	None/ Negligible	Don't Know	Impact H/M/L	Reasons for your decision (including evidence)/How might it impact?
Age		X				The ability to place a question on the agenda and to ask at a meeting will be open to all residents of the County Borough and those that work in the area. If an individual falls within the category of a having a protected characteristic, reasonable adjustments will be undertake

						to enable needs to be met.
Disability		X				The ability to place a question on the agenda and to ask at a meeting will be open to all residents of the County Borough and those that work in the area. If an individual falls within the category of a having a protected characteristic, reasonable adjustments will be undertake to enable needs to be met.
Gender Reassignment		X				The ability to place a question on the agenda and to ask at a meeting will be open to all residents of the County Borough and those that work in the area. If an individual falls within the category of a having a protected characteristic, reasonable adjustments will be undertake to enable needs to be met.
Marriage/Civil Partnership		X				The ability to place a question on the agenda and to ask at a meeting will be open to all residents of the County Borough and those that work in the area. If an individual falls within the category of a having a protected characteristic, reasonable adjustments will be undertake to enable needs to be met.
Pregnancy/Maternity		X				The ability to place a question on the agenda and to ask at a meeting will be open to all residents of the County Borough and those that work in the area. If an individual falls within the category of a having a protected characteristic, reasonable adjustments will be undertake to enable needs to be met.
Race		X				The ability to place a question on the agenda and to ask at a meeting will be open to all residents of the County Borough and those that work in the area. If an individual falls within the category of a having a protected characteristic, reasonable adjustments will be undertake to enable needs to be met.
Religion/Belief		X				The ability to place a question on the agenda and to ask at a meeting will be open to all residents of the County

						Borough and those that work in the area. If an individual falls within the category of a having a protected characteristic, reasonable adjustments will be undertaken to enable needs to be met.
Sex		X				The ability to place a question on the agenda and to ask at a meeting will be open to all residents of the County Borough and those that work in the area. If an individual falls within the category of a having a protected characteristic, reasonable adjustments will be undertaken to enable needs to be met.
Sexual orientation		X				The ability to place a question on the agenda and to ask at a meeting will be open to all residents of the County Borough and those that work in the area. If an individual falls within the category of a having a protected characteristic, reasonable adjustments will be undertaken to enable needs to be met.

4. Does the initiative impact on:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence used) / How might it impact?
People's opportunities to use the Welsh language		X				Individuals will be able to make any representations or raise any questions in the Welsh language and consideration to such matters will be in line with the Council's Welsh Language Standards.
Treating the Welsh language no less favourably than English		X				Individuals will be able to make any representations or raise any questions in the Welsh language and consideration to such matters will be in line with the Council's Welsh

						Language Standards.
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5. Does the initiative impact on biodiversity:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence) / How might it impact?
To maintain and enhance biodiversity		X				There are no impacts on from a biodiversity perspective
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.		X				There are no impacts on the promotion or resilience of ecosystems

6. Does the initiative embrace the sustainable development principle (5 ways of working):

	Yes	No	Details
Long term - how the initiative supports the long term well-being of people	X		The introduction of a public speaking protocol will work in conjunction with the current ways of facilitating democratic processes that the Council already embarks on and will assist in promoting and facilitating processes by which local people may make representations to the principal council about a decision before, and after, it is made.

Integration - how the initiative impacts upon our wellbeing objectives	X		The proposal impacts on all three wellbeing objections in it will assist promoting and facilitating processes by which local people may make representations to the principal council about a decision before, and after, it is made.
Involvement - how people have been involved in developing the initiative	X		Officers have considered the proposal and to ensure the views of members have been sought, the report will be discussed and approved by Democratic Services Committee before being provided to Full Council for approval and agreeing implementation.
Collaboration - how we have worked with other services/organisations to find shared sustainable solutions	X		Officers have considered the proposal and to ensure the views of members have been sought, the report will be discussed and approved by Democratic Services Committee before being provided to Full Council for approval and agreeing implementation.
Prevention - how the initiative will prevent problems occurring or getting worse	X		The introduction of a public speaking protocol will work in conjunction with the current ways of facilitating democratic processes that the Council already embarks on and will assist in promoting and facilitating processes by which local people may make representations to the principal council about a decision before, and after, it is made.

7. Declaration - based on above assessment (tick as appropriate):

A full impact assessment (second stage) is not required	X
Reasons for this conclusion	
The introduction of a public speaking protocol will work in conjunction with the current ways of facilitating democratic processes that the Council already embarks on and will assist in promoting and facilitating processes by which local people may make representations to the principal council about a decision before, and after, it is made. No protected characteristics are affected, it will have no impact on biodiversity nor will it be contrary to any welsh language requirements.	

	Name	Position
Signed off by	Craig Griffiths	Head of Legal and Democratic Services