

COUNCIL

13 November 2017

CHANGES TO THE CONSTITUTION

Report of the Monitoring Officer

Strategic Aim:	N/A	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr T Mathias, Leader, Portfolio Holder for Finance and Places (Highways, Transport and Market Towns)	
Contact Officer(s):	Debbie Mogg, Monitoring Officer	01572 758358 dmogg@rutland.gov.uk
Ward Councillors	Not Applicable	

DECISION RECOMMENDATIONS

That Council:

1. Approves the amendment of Procedure Rule 28 (4)(a) of the RCC Constitution as detailed in Appendix A.
2. Approves the amendment of the RCC Public Speaking Scheme as detailed at para. 2.4.

1 PURPOSE OF THE REPORT

- 1.1 To approve the amendment of the constitution in order to clarify the rules regarding speaking at Full Council in relation to a referral under Procedure Rule 110.
- 1.2 To update the Public Speaking Scheme to clearly state the rules regarding inappropriate language and/or behaviour.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The rules regarding speaking at Full Council require updating and clarifying following the implementation of the Public Speaking Scheme for Planning approved by Full Council in May 2017.
- 2.2 There is a distinction between Planning Applications already considered by the Planning and Licensing Committee and referred to Council under Procedure Rule 110 and those where the application has not previously been considered by the

Council, which will determine a person's right to speak at the meeting. The rules require simplifying to ensure that this distinction is made clear.

2.3 Procedure Rule 28 (4) (a) currently states that where a planning application is referred under PR110, only those that "spoke as the applicant or their agent shall be entitled to speak at the Council meeting at which the planning application is to be considered". It is proposed that this is amended so that anyone who spoke at the original planning meeting, should also be allowed to speak at the Council meeting considering the referral. No additional speakers/deputations will be permitted in relation to the referred application. The proposed amendments are detailed in Appendix A to this report.

2.4 Following the occurrence of offensive language being used at a Planning and Licensing Committee meeting it is proposed that the Public Speaking Scheme requires amendment to ensure it is more explicit regarding unacceptable behaviour and the action the Chairman may take. It is proposed that additional wording be added to the scheme as detailed below:

The Planning and Licensing Committee takes place in public so please be courteous and polite as you would at any similar public place. Any remarks should relate to the subject matter only and should not constitute a personal attack upon any person or contain any offensive language or aggressive gestures.

Use of inappropriate, offensive or aggressive language and/or behaviour will not be tolerated. Should unacceptable behaviour persist, the Chairman reserves the right to order that the speaker leave the meeting.

3 CONSULTATION

3.1 The Constitution Review Working Group have been consulted and are in approval with the proposed amendments.

4 ALTERNATIVE OPTIONS

4.1 Procedure Rule 28 and the Public Speaking Scheme could remain unchanged but it is felt that the rules could lead to confusion and misunderstanding and that further clarity is required in order to reduce the risk of offensive language and aggressive and intimidating behaviour at Public Meetings.

5 FINANCIAL IMPLICATIONS

5.1 There are no financial implications arising from the report.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

6.1 It is important to ensure that the constitution is presented in a clear and understandable way and that any anomalies are corrected to ensure that anyone who has dealings with the local authority is able to understand and comply with the requirements of the standing orders.

7 EQUALITY IMPACT ASSESSMENT

7.1 An Equality Impact Assessment (EqIA) has not been completed because there are no service, policy or organisational changes being proposed.

8 COMMUNITY SAFETY IMPLICATIONS

8.1 There are no community safety implications.

9 HEALTH AND WELLBEING IMPLICATIONS

9.1 There are no Health and Well Being implications.

10 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

10.1 It is proposed that Council approve the changes in order to ensure that the rules regarding public speaking are clarified.

11 BACKGROUND PAPERS

11.1 There are no additional background papers.

12 APPENDICES

12.1 Appendix A – Proposed amendments to PR28 (4)

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