Recommendation to Council:

(1) To take no further action in respect of the proposal to introduce a half hour Leader’s Question Time, where no notice of a question needs to be given and to support the proposal outlined in paragraph 4.1.2 of this report to improve the public question time provisions at Council meetings by enabling public questioners to be given advance notice of the response to their initial question so that they may have time to prepare a supplementary question to ask at the meeting.

(2) To take no further action in respect of the proposal to allow members of the public to submit motions to Council, for debate, up to 24 hours before the start of a Council meeting.

(3) To agree the principle of webcasting Council and committee meetings.

(4) Subject to the introduction of webcasting, to make no change to Council Procedure Rule 13 (b) which prohibits the audio or video recording of meetings without the prior approval of the chairman and agreement of the meeting.

(5) To agree that, in view of the asset review programme approved by the Executive on 19 April 2012, no further action be taken in respect of the proposals on asset disposal outlined in paragraph 4.5 of this report.

(6) To support the action taken by officers to ensure that, in future, descriptions of items in the Forward Plan explain clearly what the Executive (or decision maker) is being asked to consider and the nature of the decision to be taken.

(7) To agree that the Constitution Working Group should have an ongoing role in providing a councillor forum for discussion of constitutional matters.

Reason for Recommendation:
To respond to the various proposals investigated by the Constitution Working Group to improve public participation at Council meetings and transparency of decision-making.

1. Purpose of report

1.1 To report on progress with the consideration of proposals to introduce simple and efficient procedures to improve public participation at Council meetings and transparency of decision-making.
2 Strategic Priorities

2.1 The work undertaken by the Constitution Working group and its various recommendations are consistent with the Council’s core value which states that our work will be publicly accountable and presented with openness and transparency.

3 Background

3.1 At its meeting on 8 December 2012, the Council resolved to establish a cross-party Constitution Working group to investigate simple and efficient procedures to improve public participation at Council meetings and transparency of decision-making including, but not limited to, the following proposals:

(I) To introduce a half hour Leader’s Question Time, where no notice of a question needs to be given, to give the public the opportunity to scrutinise the Council’s policies

(II) To allow members of the public to submit motions to Council, for debate, up to 24 hours before the start of a Council meeting

(III) To introduce webcasting of appropriate public meetings of the Council

(IV) To allow any member of the public to use recording equipment at Council meetings.

(V) To ensure that decisions to dispose of significant Council assets are made in public at an Executive meeting and are subject to call-in.

(VI) To ensure that clearer descriptions are included in the Forward Plan of the items to be considered so that both councillors and members of the public have more time to consider the topic and prepare representations.

(VII) To consider such other proposals which may be suggested by councillors to improve transparency of decision-making and encourage greater involvement from the public.

3.2 The Council asked the Working group to carry out the investigations referred to in paragraph 3.1 above and to submit proposals for the Council’s consideration by May 2012.

3.3 The Working Group, which has met on three occasions, comprises the following councillors:

Councillor Gordon Jackson (Chairman)
Councillor Richard Billington
Councillor Matt Furniss
Councillor Angela Gunning
Councillor Liz Hogger
Councillor Anne Meredith
Councillor Tony Rooth (ex officio)
4. **Consideration of proposals**

The working group addressed each of the proposals referred to in paragraph 3.1 above and their recommendations are set out below:

4.1 **To introduce a half hour Leader’s Question Time, where no notice of a question needs to be given, to give the public the opportunity to scrutinise the Council’s policies.**

4.1.1 The working group noted that no other council in Surrey permitted the public to ask the Leader questions without notice, although the public were able to ask questions without notice before meetings of Surrey County Council’s Guildford Local Committee. However, such questions are directed at the Committee, rather than a named councillor, for a response. The working group did not support the proposal but asked officers to investigate possible further improvements to the public question time provisions at Council meetings to enable public questioners to be given advance notice of the response to their initial question so that they may have time to prepare a supplementary question to ask at the meeting.

4.1.2 Officers suggested that when the Order Paper was circulated by email to all councillors on the afternoon of the day of the Council meeting, it should also be emailed to the questioner so that they see the response to their question in advance of the meeting. Some councillors were concerned that this may exclude questioners who did not have email facilities. In these circumstances a paper copy of the Order Paper would be made available at the Council offices by 5pm on the day of the Council meeting.

4.1.3 The working group also suggested that copies of the order paper (and Planning Committee Late Sheets) should be blind copied to the personal email addresses of those councillors who would prefer to receive them in this way.

4.1.4 As no changes to the Constitution were required, these proposals were implemented successfully in time for the 5 April 2012 meeting of the Council.

4.2 **To allow members of the public to submit motions to Council, for debate, up to 24 hours before the start of a Council meeting**

4.2.1 The Working group did not support this proposal as it was felt that any matter about which a member of the public felt sufficiently strong should be discussed with their local ward councillor(s). If the councillor is of the view that the matter should be raised and determined by the Council, it is their role and responsibility to submit a motion for consideration. The working group noted that, generally, the public had little difficulty engaging with their local ward councillors whenever necessary. Accordingly, the working group recommend that no further action is taken in respect of this proposal.

4.3 **To introduce webcasting of appropriate public meetings of the Council**

4.3.1 Webcasting allows residents to watch a meeting over the internet via live streaming or as an archived record after it has taken place. By webcasting
meetings, the Council can provide a means by which local residents who cannot attend meetings - through prior commitments, ill health/disability, transport issues, work patterns or child-care issues - with an opportunity to play a part in the local democratic process, and to get involved in the decisions affecting their lives.

4.3.2 Webcasting would also provide irrefutable evidence of discussions on and decisions taken in respect of particular items of business. This can assist greatly in circumstances where legal challenges to our decision-making is contemplated by third parties.

4.3.3 At the Working Group’s first meeting, councillors received a briefing note containing background information on webcasting committee meetings which had been compiled following a webcast demonstration given to officers last year by a leading webcast provider. A copy of the briefing note is attached as Appendix 1. Councillors will note that a figure of £20,000 per annum is quoted as the estimated cost. At its meeting on 9 February 2012, the Council accepted a revenue growth bid of £20,000 for the provision of webcasting, subject to the approval of the principle by the Council.

4.3.4 If the Council agrees in principle to webcasting the Head of Corporate Development will take the necessary steps to procure a suitable system and enter into an agreement with a webcast provider.

4.3.5 On 3 April 2012, the working group met at Mole Valley District Council for a demonstration of the practicalities of webcasting meetings. Mole Valley have been webcasting meetings since 2001-02. Councillors agreed that the operation of the system appeared simple to use, although more research was necessary. Amongst the issues highlighted were:

- The system uses three fixed cameras in their Council Chamber and one member of staff (outside Democratic Services) operates it.
- The total cost to Mole Valley of webcasting approximately 100 hours of meetings each year is currently around £11,000 per annum, which includes £2,000 in respect of payments to staff who operate the system for each meeting.
- The viewing figures varied for different meetings, although it was noted viewing figures generally had increased in November during the severe weather. A breakdown of viewings per committee for the period January to March 2012 is set out in the table below.
- There was capacity for webcasts to be indexed to individual items/reports on the agenda.
- The footage is retained on the website by the webcast provider for six months, Mole Valley DC record the footage on to DVD as it is streamed in order to retain a permanent record.
- Recording of the meeting by members of the public is prohibited, and all present are requested to switch off their mobile phones.

4.3.6 The table below shows the range of meetings that Mole Valley webcast and the number of viewings during the quarter January to March 2012 in respect of those meetings.
4.3.7 The working group noted that if the Council agreed to the principle of webcasting, it was most likely that we would webcast meetings of the Council, Executive and Planning Committee. It would be necessary for officers to produce a minimum system specification for procurement purposes. The working group also noted that recording facilities would need to be made available in both the Council Chamber and Committee Room 1.

4.3.8 The working group debated whether the potential cost to the Council of webcasting could be justified in the current economic climate. However, the group acknowledged that webcasting would enable the Council to demonstrate to residents that its decision making was open and transparent.

4.3.9 The working group asked officers to identify within our Audit Commission family group those councils which webcast their meetings and how many viewings they received on average in respect of those meetings. To date, we have established that only three of these councils webcast their meetings and only one has responded with details of viewings. East Hertfordshire District Council webcast their Council, Executive and Development Control Committee meetings and the table below shows the number of viewings during the quarter January to March 2012 in respect of those meetings.

<table>
<thead>
<tr>
<th>Meeting</th>
<th>Number of meetings</th>
<th>Number of viewings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council</td>
<td>2</td>
<td>45</td>
</tr>
<tr>
<td>Executive</td>
<td>3</td>
<td>122</td>
</tr>
<tr>
<td>Development Control Committee</td>
<td>3</td>
<td>372</td>
</tr>
<tr>
<td>Licensing Committee (including Licensing Sub-Committee)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Scrutiny Committee</td>
<td>4</td>
<td>72</td>
</tr>
<tr>
<td>Standards Committee</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>Audit Committee</td>
<td>2</td>
<td>23</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>15</strong></td>
<td><strong>641</strong></td>
</tr>
</tbody>
</table>

East Hertfordshire have informed us that the cost of purchasing the supporting hardware and software was approximately £7,000 with ongoing annual costs of just over £10,000.

4.4 To allow any member of the public to use recording equipment at Council meetings.

4.4.1 The working group recommend that subject to the introduction of webcasting, no change be made to Council Procedure Rule 13 (b) which prohibits the audio or video recording of meetings without the prior approval of the Mayor/chairman and agreement of the meeting.

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1 East Hertfordshire, Elmbridge, Reigate and Banstead, Runnymede, Sevenoaks, South Oxfordshire, Spelthorne, St Albans, Surrey Heath, Vale of White Horse, Waverley Winchester, Woking and Wycombe,
4.4.2 Councillors will recall that, on occasions, meetings have been recorded by members of the public surreptitiously on mobile telephones. As the Council has no control over the content of such recordings, the footage can be manipulated and uploaded onto websites for viewing. Webcasting would avoid the need for the public to make their own recordings and, where it did occur, would enable the Council to provide an accurate, unedited record.

4.5 To ensure that decisions to dispose of significant Council assets are made in public at an Executive meeting and are subject to call-in.

4.5.1 At its first meeting, the working group noted that the Head of Economic Development was working up proposals to establish a formal work programme for the review of specific assets in the interests of greater openness and transparency and that these proposals would be referred to the working group for consideration when finalised.

4.5.2 At its second meeting on 3 April, the working group received and noted a synopsis of a report on a proposed asset review programme and agreed that this would be helpful in informing councillors of intended asset disposals. The Executive approved the proposed asset review programme at its meeting on 19 April 2012. As there are no constitutional implications arising from these proposals, the working group recommend that no further action is taken in respect of this matter.

4.6 To ensure that clearer descriptions are included in the Forward Plan of the items to be considered so that both councillors and members of the public have more time to consider the topic and prepare representations.

4.6.1 The working group noted that progress was being made by officers to ensure that, in future, descriptions of items in the Forward Plan explained clearly what the Executive (or decision maker) was being asked to consider and the nature of the decision to be taken. Accordingly, the working group recommend that no further action is taken in respect of this proposal.

4.7 Further investigations

4.7.1 The working group noted at its first meeting that the Corporate Governance Group (an officer group) received regular reports from the Monitoring Officer on constitutional matters and envisaged that the working group, together with the proposed Audit and Corporate Governance Committee (see item 10 elsewhere on this agenda), would ensure that councillors have an input into such matters.

5. Human Resources Implications

5.1 The webcasting proposals, if approved, will result in the need to engage staff to assist with operating the webcasting system, for which it would be necessary to offer a payment similar to the existing meeting attendance allowance which is currently paid to staff (other than strategic directors and heads of service) who are required to attend evening meetings.

6. Financial Implications

6.1 As stated in paragraph 4.3.3 above, the Council, at its meeting on 9 February 2012, accepted a revenue growth bid of £20,000 for the provision of webcasting. Were the Council to agree the principle of webcasting, there may
need to be an initial outlay for the purchase and installation of webcams of approximately £4,000 or, alternatively, this cost may be included in the fees charged by the webcast provider (see Appendix 1). The annual revenue costs to a webcast provider for hosting our webcasting facility, together with payments to staff to operate the system, would be in the region of £12,500.

7. **Legal Implications**

7.1 Other than the need for the Council to comply with its procurement procedure rules in respect of the webcasting proposals, there are no legal implications associated with the proposals in this report.

8. **Conclusion**

8.1 The Constitution Working Group has met on three occasions and has had some constructive discussions on the various proposals to improve public participation at Council meetings and transparency of our decision-making.

8.2 Councillors can be reassured that where there are local issues that generate a great deal of public interest or concern, for example the scoping exercises in respect of potential additional gypsy and traveller pitches or the relocation of the bus station, our existing procedures already allow the public to address councillors, ask questions or submit petitions before decisions are taken.

9. **Background Papers**

   None

10. **Appendices**

    Appendix 1: Briefing note to Constitution Working Group on webcasting
Constitution Working group - Briefing Note

Background information on webcasting committee meetings

Introduction
Officers first looked at options for webcasting committee meetings about three years ago. One of the companies providing webcasting facilities to local government demonstrated their product and were invited to demonstrate an updated version in 2011.

Main considerations
The significant issues relating to the webcasting of meetings are described below

Installation and flexibility
There are two systems available; a permanent installation and a portable system that can be used at different locations. The permanent system is fixed on site but can be set up to cover a number of floorplans if meetings are held in different seating arrangements.

A fixed system could be set up to cover both the Council Chamber and probably Committee Room 1. We would need a portable system to cover meetings in other rooms such as Committee Room 2. Four cameras would be needed to provide full coverage and they can be adjusted to cover different layouts.

A portable system would allow more flexibility but would have to be set up for each meeting.

The current sound system would be adequate for sound recording.

Staffing requirements
The system would require an operator to attend all meetings in addition to the committee administrator. The operator would set up the system at the start of each meeting to ensure that councillors and officers can be identified correctly on the screen and to train the cameras on to speakers during the course of the meeting. Because this is a constant process, it would not be possible for the committee administrator to do this while performing their other tasks.

Technical issues
The system allows a meeting to be webcast live. The webcast company would hold the video on its own servers and have it ready for viewing the following day. The video would be accessed through the Council’s website.

As part of the service, the webcast provider takes the agenda and links it to the video with a note of the timings. This allows viewers to move through the video to the item that they are interested in. The playback can also show presentations, with both speakers and slides synced to the video.
The webcast provider will host an agreed number of hours of video each year. The amount that would be held and the period for which the video is available will be part of the contract.

The playback shows the names of individual speakers.

**Public interaction**

Some webcast systems allow the public to send in questions and comments via email and social media applications such as Twitter during the course of a meeting. This would allow questions to be put through the chairman as the meeting progresses and would require new procedure rules.

The viewing public could also send questions in to individual councillors outside of the system using councillors’ own smartphones. This would also need consideration and new procedure rules to determine what was acceptable.

**Cost**

There would normally be an annual fee covering set up costs, a reasonable amount of change to the set up (for example if the layout of the Council Chamber was changed), hosting and post-meeting “editing”.

The annual fee has been estimated at around £20,000, depending on the period of the contract.