

GOVERNANCE COMMITTEE

REPORT

9 November 2011

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| Subject Heading: | PUBLIC ACCESS TO THE COUNCIL CHAMBER – further review of arrangements |
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| Policy context: | Members of the public have a statutory right to attend meetings of Council, Cabinet and Committees. The limited accommodation available in the Council Chamber means that public use of some areas of it must be restricted. |
| Financial summary: | There are no financial implications |

SUMMARY

The Committee reviewed the rules about the admission of the public to areas of the Council Chamber at its meeting in July, since when incidents of disruption of meetings have occurred, prompting requests from the Mayor and the Leader of the Council for further review.

This report is submitted accordingly.

RECOMMENDATIONS

- 1 That for Council and Cabinet meetings, with immediate effect:

- a. The seating in the lobby at the rear of the Members' area and at the side area of the Chamber be reserved for Civic guests, press, officers and people who have a mobility disability preventing use of the stairs to the balcony
 - b. Members' guests be seated in the gallery at the side of the Chamber rather than at the rear of the Members' area
 - c. Members of the public be seated in the balcony (or, if need be, an overspill room).
- 2 That a further report be submitted about seating arrangements at meetings of the Regulatory Services Committee to the next meeting.

REPORT DETAIL

Introduction

- 1 When the Council Chamber was extensively refurbished and remodelled in 1997/98, opportunity was taken to extend (to nearly double) its accommodation for the public and, at the same time, to provide additional seating at the rear of the Chamber, primarily for use by Members' guests.
- 2 The Chamber area is divisible into five main areas:
 - "the Members' area" – comprising the main seats, also known as the "floor of the Chamber", and the dais, with full access to the microphone system
 - "the side area" of seats by the side windows (beneath the portrait of the Queen), including two seats for the press
 - "the lobby" – the seating area at the rear of the Chamber, by its main entrance, with 14 seats for staff, Members' guests and press
 - "the gallery" – the side area, normally curtained off and also used as a corridor between the original Town Hall building and the recent extension: there are up to 19 seats for the public in this area
 - "the balcony" – the original public area, above the main parts of the Chamber: there are 25 seats for the public in this area

Public access issues

- 3 There is a statutory right of access by members of the public to all meetings, other than those where confidential or exempt business is to be transacted. That right is, however, not absolute: the Council has no obligation to admit the public when numbers are so large that they cannot all reasonably be accommodated – for example, where the numbers are in excess of those permitted access in accordance with a fire risk assessment.

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- 4 Moreover, in the event of a meeting being disrupted, there is a common law right to exclude those causing the disruption and, if judged necessary, any member of the public in attendance.
- 5 The Committee last reviewed the question of public access to the Chamber in July, when maintenance of the current policy about access was agreed (with the addition of a right for the public to sit at the rear of the Chamber).
- 6 Since then, however, several incidents have occurred that disrupted meetings. The Mayor had to ask a member of the public to leave July's Council meeting; and a meeting of the Regulatory Services Committee was seriously affected by disorder, to the extent that police assistance was required when the personal safety of some Members and officers was compromised.

Proposed new arrangements

- 7 In the light of these recent developments, the Mayor and the Leader invite the Committee to consider changes that, if agreed, will be implemented immediately for Council and Cabinet meetings. The question of public attendance at the Regulatory Services Committee is also being reviewed but the position there is more complex and a separate report will be submitted to the next meeting.
- 8 It is proposed that the side gallery should no longer be available for public use but reserved for Members' guests. The location presently used by them – the lobby – would then be available to staff in attendance at the meeting, press representatives and people who have a mobility problem that prevented the use of stairs.
- 9 The side area (beneath the Queen's portrait) would continue to be used by Civic guests (generally Honorary Aldermen, former Mayors, MPs and senior representatives of partner authorities/organisations).
- 10 Members of the public (other than the disabled) would no longer use the accommodation at Chamber level but would, instead, be directed to balcony. The balcony can seat up to 25 people – at most meetings, there are generally no more than five or so members of the public. On the rare occasion when it is likely that more people may attend than can be accommodated in the balcony, arrangements can be made for them to access an overspill room elsewhere in the Town Hall.
- 11 The current, different arrangements for the Annual Meeting of the Council would be retained, as many more people attend then and special arrangements are necessary to manage the limited space available.
- 12 The new arrangements would therefore be as set out in the following table:

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| Area: | Members' area | Side area | Lobby | Gallery | Balcony |
|--|--|--------------------|---|----------------------|--------------------|
| Meeting: | | | | | |
| Annual Council | Not open to public | Not open to public | Members' guests only (and those having a disability preventing them accessing the balcony) | Members' guests only | Open to the public |
| Other Council meetings (including Council Tax and Extra-ordinary meetings) | Not open to public | Not open to public | Not open to public (except those having a disability preventing them accessing the balcony) | Members' guests only | Open to the public |
| Cabinet | Not open to public (but, where agreed in advance, seats to be available for members of the public coming forward to address the meeting) | Not open to public | Not open to public (except those having a disability preventing them accessing the balcony) | Members' guests only | Open to the public |

Financial Implications and Risks

There are no financial implications or risks arising from this report.

Equalities and Social Inclusion Implications and Risks

No implications or risks have been identified. The Chamber areas are as reasonably accessible by disabled people as practicable given the design and construction of the Town Hall.

Environmental Implications and Risks

There are no implications or risks for the environment.

Legal Implications and Risks

The Local Government Act 1972 obliges the Council to admit the public to meetings, except when confidential or exempt information is being dealt with. Case law has modified the absolute obligation to the extent that the right of access is exercisable only when those seeking access can be physically accommodated in the room.

Nothing in the existing designation policy affects the right of persons to have access to meetings at which they can be physically accommodated, nor is it likely that any change proposed and agreed will affect their rights. Where necessary, the Council provides overspill accommodation at which the events of meeting can be viewed and heard by CCTV and audio links.

Human Resources Implication and Risks

There are no implications or risks for Human Resources. The availability of clear guidelines on the use of the different areas within the Chamber assists staff deal with awkward situations.

BACKGROUND PAPERS

There are no background papers