

GOVERNANCE COMMITTEE

17 January 2012

REPORT

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| Subject Heading: | PUBLIC ACCESS TO THE COUNCIL CHAMBER – further review of arrangements (second report) |
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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

At the last meeting, the Committee agreed changes to the rules about the admission of the public to areas of the Council Chamber for Council and Cabinet meetings, following then recent incidents of disruption.

This report now deals with the admission of the public to meetings of the Regulatory Services Committee and Highways Advisory Committee and to Licensing Sub-Committee hearings.

RECOMMENDATIONS

That the public continue to be admitted to the Council Chamber and gallery for meetings of the Regulatory Services and Highways Advisory Committees and Licensing Sub-Committee hearings but that arrangements be made to install the security measures referred to in this report as soon as practicable.

REPORT DETAIL

- 1 The Committee is reminded that 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.
- 2 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.
- 3 Several incidents have occurred recently: in particular, 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

- 4 Although rare, from time to time, very large numbers of people attend meetings of the Committees and Sub-Committee: occasionally, indeed, more people attend than can safely be accommodated. Although it would be open to the relevant Chairman to exclude the public at that point, Chairmen have always preferred that some form of overspill arrangement be made, or that people attending for a specific application to be dealt with be asked to wait outside the Chamber (usually in a Committee Room) until the item in which they are interested is reached.
- 5 Accordingly, it would be impracticable to restrict public attendance to the balcony alone, or for that matter to the gallery.
- 6 Recognising this, at the Committee meetings it is already standard practice for Members and officers to use only the two rows of seats nearest the centre of the Chamber; the public are allowed to sit in the outer rows and in the other seats around the Chamber. Slightly different arrangements apply at Licensing Sub-Committee hearings, where Members sit at the dais and the inner two rows of seats are used by officers and applicants/applicants' advisers.

- 7 The disruption at the recent Regulatory Services Committee meeting that led to this review left some Members and officers concerned for their safety. Although there does not appear to have been direct contact between the Members in the second row of seats and the public sitting immediately behind them, there was certainly the potential for such contact; and there has been direct contact in similar circumstances in the past.
- 8 Moreover, even if such contact does not have hostile intent, it is possible for members of the public sitting behind Members as they do at present to interrupt or distract, or to seek to communicate with Members. Aside from any risk of violence or other inappropriate contact, the ability of the public to appear to be able surreptitiously to contact Members during quasi-judicial proceedings leaves the Members, and the Council, open to accusations of improper influence that would be difficult to refute, especially in the course of judicial review of a decision or an Ombudsman's investigation.
- 9 It is proposed, therefore, to install a demountable, physical barrier between the second and third rows of seats. The precise form of barrier has not yet been determined but would probably consist of a timber or transparent plastic "shield", which would be attached to the third row desks (probably one "shield" per desk). The "shields" would be high enough to act as a barrier but not so high as to obscure views. The "shields" would be installed only for specific meetings and removed when not required.
- 10 In addition, the two access aisles leading from the rear of the Chamber to the front row of seats would be closed between the second and third rows. Since the aisles are essential escape routes in case of fire or other emergency, the barrier would need to be easily removable. Again, the precise form of barrier has yet to be determined but the principal options are either for a "rope with hooks" or a bar-style gate.
- 11 It is recognised that neither measure would prevent a determined individual from attacking Members and/or officers but it is considered that they should be sufficient to deter those whose emotions have not got the better of them.

Financial Implications and Risks

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

The cost of installing "shields" and barriers will be met from existing budget provision. No costing has yet been made, pending the outcome of this report. If the Committee authorises the installation of security measures, estimates will be obtained in the usual way and a decision whether or not to proceed made in consultation with the Chairman of the Committee.

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 a 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.

The Council has an obligation to protect the health and safety of Members, officers and members of the public attending meetings. In the event of disruption, the measures proposed should deter any individual intent on mischief.

BACKGROUND PAPERS

There are no background papers