

# GOVERNANCE COMMITTEE

5 July 2011

# REPORT

<b>Subject Heading:</b>	<b>PUBLIC ACCESS TO THE COUNCIL CHAMBER – review of arrangements</b>
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<b>Policy context:</b>	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.
<b>Financial summary:</b>	There are no financial implications

## SUMMARY

This report, submitted at the request of the Leader of the Council, invites the Committee to review the rules for the admission of the public to areas of the Council Chamber that were introduced in 2006 following incidents of members of the public who are not prepared willingly to move to different parts of the public areas when requested to do so.

## RECOMMENDATION

For consideration as to the changes, if any, to be made in the rules agreed by the Committee in October 2006 for public access to the Council Chamber.

## REPORT DETAIL

### **1 Introduction**

- 1.1 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.
- 1.2 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
- 1.3 The diagram appended illustrates these various areas.
- 1.4 Steps were taken when the Chamber was refurbished also to make it reasonably accessible for disabled people using wheelchairs –
- some seats in the Members' area are removable to enable wheelchair access to Members' desks;
  - a ramp was installed to provide easy access to the dais and some seats in the gallery are also removable to facilitate wheelchair access, although the structure of the Chamber does not permit full accessibility – for example, some gaps between structural members are rather narrow and may not permit all types of wheelchair access but, without considerable building work, it is not practicable to make better provision.

### **2 Public access issues**

- 2.1 The Council has long operated a firm policy of permitting public access to the Chamber, in excess of its statutory obligations.
- 2.2 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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- 2.3 Partly to meet the conflict that might arise between the circumstances outlined in paragraphs 2.1 and 2.2, “overspill” facilities can be made available in Committee Rooms 3A and 3B using the ICT connections between those rooms and the Chamber. This has been done on a number of occasions, especially for the Regulatory Services Committee.
- 2.4 The Chamber is used for meetings of the Council, Cabinet, the Regulatory Services Committee and other Committee meetings when a Committee Room is not used, for all of which public access is essential. It is also used for Licensing Sub-Committee hearings and for planning Public Inquiries, which are also open to the public but where the circumstances are slightly different.
- 2.5 The gallery and the balcony together provide a maximum of 44 seats for the public - more than sufficient to meet demand for most Council and Cabinet meetings. The lobby provides up to 14 seats for Members’ guests at Council meetings, again generally sufficient for demand.
- 2.6 At many Regulatory Services Committee meetings, there is demand for public access in excess of what can be provided even through the combined use of the lobby, gallery and balcony areas; moreover, the public rights of address at that Committee means that those speaking for or against an application need access to the microphone system in the Chamber. Similar microphone access may be required at other meetings held in the Chamber, including Cabinet meetings.
- 2.7 For other meetings, demand for public access is variable but generally containable within the facilities available if the use of the rear two rows of seating in the Members’ area is permitted.
- 2.8 At Licensing Sub-Committee hearings and Public Inquiries, applicants and public authorities’ representatives need to be able to address the hearing from a more prominent position than the general public and thus it is recommended that they be permitted to use the front two rows of seats in the Members’ area.

### **3 Members’ guests**

- 3.1 It is customary for Members to be able to reserve seats (via Committee Administration) for their guests to attend meetings of the Council. Generally, the accommodation in the lobby suffices for them but, on occasion – for example, the Annual Meeting of Council – many more guests are invited. Guests are regarded as members of the public present by invitation: for example, if the Council resolved to consider matters in exempt session, the guests would be obliged to leave the Chamber with the press and other public attendees.
- 3.2 When more guests are invited than can be accommodated in the lobby, seats are reserved for them in the gallery – and, very occasionally, in the balcony if numbers are large enough – which inevitably reduces the number of seats available for the public. It must be borne in mind that, notwithstanding the availability of overspill facilities, the reserving of seats for large numbers of guests could leave the Council open to accusations of failing to comply with its statutory obligations.

- 3.3 This does mean that the number of seats available for Members' guests will, in practice, have a practicable upper limit of 32 (lobby and gallery combined). Others can be accommodated but at the risk of the Council being accused of restricting access to the general public.
- 3.4 It should be noted that it is possible only to reserve seats in the gallery area for guests until shortly before the meeting begins. It would be unfair, and perhaps difficult for the Council to defend, if a reserved seat were not taken up when members of the public are being referred to the balcony or to an overspill room. Thus, a guest who arrives after 7:25pm cannot be guaranteed a seat and will have to take their chance with other members of the public.
- 3.5 Provision has not hitherto been made for Members to invite guests to attend meeting of the Cabinet or Committees.

#### **4 Controlling public access to the Chamber**

- 4.1 On occasion, staff have to ask members of the public to vacate seats reserved for others, or to refrain from sitting in areas not intended to be available to the public. The rules now under review were introduced in 2006 following a number of instances of individuals being reluctant to move when requested to do so and becoming annoyed at being asked to move from what they consider a place rightfully theirs. The Committee was then advised that the absence of clearly designated "public" and "private" areas had hampered staff in dealing with these situations.
- 4.2 At that time, the Committee agreed formally to designate specific areas of the Chamber as accessible or not accessible by the public, with different areas being designated for different meetings, as set out in the following table:

<b>Area:</b>	<b>Members' area</b>	<b>Side area</b>	<b>Lobby</b>	<b>Gallery</b>	<b>Balcony</b>
<b>Meeting:</b>					
Annual Council	Not open to public	Not open to public	Members' guests only	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	Members' guests only	Open to the public	Open to the public
Cabinet	Not open to public but, where agreed in advance,	Not open to public	Not open to public	Open to the public	Open to the public

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	seats to be available for members of the public coming forward to address the meeting				
Regulatory Services Committee and other Committees when in the Chamber	Rear two rows of Members' seats open to the public	Not open to public	Open to the public	Open to the public	Open to the public
Licensing Sub-Committee hearings and Public Inquiries	Rear two rows of Members' seats open to the public; front two rows available for use by the applicant and by public authorities' representatives	Not open to public	Open to the public	Open to the public	Open to the public

4.4 The side area of seats are not normally available to the public, but they will be able to use it at the discretion of the Chairman of a meeting when numbers are such that additional seating needs to be made available.

4.5 These designations were agreed as, without the backing of such a formality, staff would be unable to respond to members of the public who challenged being requested to move elsewhere, or who ignored clearly marked seat reservations. The existence of designation does not of itself of course mean that those who would be asked to move will be any more co-operative but it will strengthen staffs' ability to deal with such situations and also facilitate the use by the Mayor or a Chairman of their powers to require the removal of individuals who disrupt meetings.

## **5 Implications of webcasting**

5.1 Members will be aware that, since 2009, meetings of the Council and Cabinet have been webcast.

5.2 Members of the public attending those meetings are aware that webcasting will be taking place and are liable, therefore, to appear in any webcast images.

People who do not wish to appear in the webcast are able to take a seat in the balcony, to which the camera coverage does not extend.

- 5.3 One of Members' concerns when webcasting began was that there was an increased risk that members of the public might use the opportunity of appearing in the webcast to display banners, posters or the like to the embarrassment of Members, or behave in a disruptive manner. To date, the few instances of such behaviour have been promptly addressed by the Mayor or Chairman and defused without difficulty.
- 5.4 Members will wish to bear in mind, however, that hitherto members of the public have been restricted to sitting in the side gallery and thus come into camera view only when Members sitting to the right of the Mayor or Chairman, immediately in front of the gallery, are in camera view. The impact of any disruption of the sort indicated in the preceding paragraph would therefore have been limited in any event.
- 5.5 If, however, the rules were to be changed so that the public were allowed to take seats in the Chamber itself, there would be an increased risk of members of the public behaving improperly, as they would then be in a camera view on many more occasions.

## **6 Possible changes**

- 6.1 If the Committee is minded to relax the current rules and permit members of the public to take seats in the main area of the Chamber at Cabinet meetings, it is suggested that the rules governing public attendance at meetings of the Regulatory Services Committee be adopted.
- 6.2 At meetings of that Committee, Members generally sit in the front two rows of seats, with the public in the rear rows. That arrangement has generally proved successful. Some minor differences will be needed for Cabinet as many more officers are usually in attendance than at meetings of the Committee.

## **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**

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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.

# FLOOR PLAN

