

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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REPORT TO: Council

24 November 2011

AUTHOR/S: Executive Director (Corporate Services) / Legal and Democratic Services  
Manager

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### AMENDMENTS TO STANDING ORDERS (INCLUDING PUBLIC RECORDING OF MEETINGS)

#### Purpose

1. To recommend to Council amendments to standing orders. This is not a key decision but must be agreed by full Council because it requires changes to be made to the Constitution. It was first published in the May 2011 Forward Plan.

#### Recommendations

2. That Council resolve that:
  - (a) Standing Order 14.5, When a member may speak again, be amended to include: "A member who has spoken on a motion may not speak again whilst it is the subject of debate, except...**(f) at the Chairman's discretion, to raise a point of information,**" with subsequent paragraphs to be renumbered accordingly; and
  - (b) Standing Order 14.13, Point of Information, be added as follows: "A member may ask to raise a point of information at any time, but will be permitted to speak only at the Chairman's discretion. A point of information may only be made where a member is aware that the Council has incorrect information before it on a material point. The member who raises the point of information must be able to cite evidence to support their statement. The point of information may be raised whilst another member is speaking but only if that member is willing to give way. The ruling of the Chairman on the admissibility of a point of information will be final." and subsequent Rules of Debate be renumbered accordingly.

#### Reasons for Recommendations

3. The addition of standing order 14.13 and amendment of standing order 14.5 will clarify the rules of debate to incorporate points of information.

#### Considerations

##### **Points of information**

4. Although 'points of information' are recognised in the rules of parliamentary debate, the model Constitution, on which the Council's standing orders are based, makes no reference to them. Including in the Constitution a rule of debate about raising a point of information would support the Chairman in the application of standing orders and provide members with a means of correcting misinformation.
5. As already happens at Council meetings, any member wishing to raise a point of information need indicate this to the Chairman by standing to speak and stating, "Point of information, Chairman". The member must then receive the permission of the Chairman to speak. If the point of information had been raised during another

member's speech, the member wishing to raise the point of information must also receive the agreement of the member then speaking to give way.

6. The Constitution Review Working Party unanimously recommended to Council that provisions be made in standing orders for the raising and addressing of points of information.

***Public recording of meetings***

7. Standing order 21.4 reads: "Unless specifically authorised by resolution, no audio and / or visual or photographic recording in any format is allowed at any meeting of the Council, the Executive, or any committee or sub-committee of the Council or the Executive." The wording of standing order 21.4 dates from 1972, updated in 2000 to make reference to the Executive, and is part of the standing orders relating specifically to disturbance of a meeting caused by members of the public.
8. The Constitution Review Working Party's unanimous decision was not to make any amendment to the standing orders about public recording of meetings, as the existing provisions already permit the members of each individual body to vote at the start of each meeting whether or not to allow the proceedings to be recorded. The Working Party's view was that such a decision ought to remain the responsibility of each body based on the circumstances of each meeting.

***Use of social media during meetings***

9. On 23 Feb 2011, Bob Neill, Parliamentary Under Secretary of State, Communities and Local Government (CLG), wrote to all Council Leaders and Monitoring Officers encouraging Councils to stop barring use of social media during meetings. The Constitution Review Working Party considered in detail the Council's existing standing orders, and concluded that nothing in the Constitution specifically prohibited the use of social media by the press, public, councillors or officers.
10. Members of the Constitution Review Working Party agreed, with one vote against, that no change be made to the existing standing orders, and therefore that the press, public, councillors and officers who wished to do so were able to use social media, e-mail, text messaging services, and to use laptops or other mobile electronic devices in meetings, provided that such use did not create a disturbance. The Chairman already has the discretion to act where any conduct is found to be creating a disturbance to the meeting.
11. The Constitution Review Working Party has tasked officers with investigating the hearing loop system and, if it is found to be susceptible to interference by mobile phones, to include on the guidance notes for visitors to South Cambridgeshire Hall a notices in public meeting rooms a requirement that mobiles be operated on the Council's public WiFi network rather than a mobile phone network to minimise disturbance to any attendees using the loop system.

**Options**

12. The Constitution Review Working Party considered options about adding specific standing orders to address social media use by the public and by councillors, and whether or not to adopt a filming protocol for members of the public wishing to record a meeting. These options were not recommended to Council by the Constitution Review Working Party as, after much consideration, the Working Party felt that the existing provisions were sufficient.

## Implications

13.	Financial	None.
	Legal	<p>Any person using social media during Council meetings would still be required under the existing standing orders to ensure that in doing so they do not create a disturbance to the meeting.</p> <p>Councillors and officers, when using social media, are still obliged to uphold their various legislative and employment requirements. In particular, any councillors who choose to use social media in meetings must pay particular heed to avoiding the appearance of bias or predetermination.</p>
	Staffing	None specific.
	Risk Management	The Chairman retains the authority to act if any conduct, whether by councillors or the public, is disrupting the meeting.
	Equality and Diversity	<p>It has been reported that mobile phones, even when in silent / vibrate mode, cause interference with the hearing loop system in the Council's meeting rooms, which is disconcerting for people with a hearing impairment. Use of WiFi enabled devices such as laptops and tablets does not appear to cause the same interference, as it is the response of mobile phones to an incoming call which creates the interference.</p> <p>A replacement microphone system is intended to be installed and functional by end of December 2011. This will be a modern wireless system using up-to-date technology and should be better able to ignore erroneous signals such as those from mobile phones.</p> <p>In any event, the Chairman will be able to use his/her discretion to restrict use of any devices which are causing interference on the hearing loop system.</p>
	Equality Impact Assessment completed	<p>No.</p> <p>This is primarily an administrative matter only.</p>
	Climate Change	None specific.

## Consultations

14. Elected members were advised at the 22 September 2011 Council meeting that this matter would be returning for a full Council decision on 24 November 2011 and that all councillors were invited to the Constitution Review Working Party meeting on 10 November 2011. Members had also been invited to make representations in writing if they are unable to attend the Constitution Review Working Party meeting.
15. The issue has also been in the Forward Plan for six months, through which public could make representations. No responses were received from the press or public.

### Consultation with Children and Young People

16. The twenty-four attendees at the Local Democracy Week and Youth Council launch event on 13 October 2011, all of whom were aged 16-17, were invited to make suggestions on how the Council communicates with young people and how young people want to receive information from their local Council. Responses received are summarised below:

- (a) Everyone should be allowed to tweet: it shows transparency;
- (b) Councillors should be able to tweet summaries of what is happening in meetings;
- (c) Twitter should also be used after meetings to summarise what happened;
- (d) Twitter keeps people up-to-date and makes them more likely to get involved;
- (e) Contributions made through social media remain in the public domain, so are open to everyone;
- (f) The forward plan and details of decisions should be publicised through social media and supplemented with a blog or discussion topic on Facebook of what the Council is doing every year so people can comment; and
- (g) *South Cambs magazine* should publicise what is available on the Council's social media channels, and also summarise this information for the benefit of those who do not use the internet.

### **Effect on Strategic Aims**

17. Commitment to being a listening authority: the Council will respond to requests to record meetings where the media or public seek to do so, always maintaining the public interest in ensuring that meetings are free from disruption and that the public's right to privacy is considered. A listening authority seeks to have conversations with its residents through two-way communication. Authorities which engage actively with residents through a variety of media realise a greater public response, and their decisions are made taking into account a wider, more representative range of input from residents and partners.

### **Conclusions / Summary**

18. The proposed changes to standing orders will clarify the operation of Council and committee meetings for councillors, for officers and for members of the press and public in attendance, and the protocol on recording of meetings demonstrates the Council's commitment to openness and transparency.

**Background Papers:** the following background papers were used in the preparation of this report:

23 February 2011 Letter from Communities and Local Government  
 24 March 2011 Constitution Review Working Party report  
 SDCDC Constitution  
 Constitutions of other local authorities

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