

PART 4 PUBLIC PARTICIPATION PROCEDURE

Asking questions, making statements, deputations and presenting petitions at meetings of the Council, the Executive or Committees

1. When Public Participation will Operate

1.1 Members of the public will be able to participate at meetings of:-

- The Full Council;
- The Executive;
- The Overview and Scrutiny committees
- Licensing Committee ¹

(¹: where a public hearing is being conducted by the Licensing Committee or its sub committees, public participation shall be considered in accordance with the separate procedure applying to such hearings)

- Development Management Committee²

(²: A separate public participation procedure operates where the Development Management Committee is determining planning or other applications, as set out in Annex 3 of this procedure.)

- General Purposes Committee
- Audit Committee

by asking questions, making statements, presenting petitions and making deputations at the beginning of the meeting.

1.2 At other council forums open to the public but not referred to in 1.1 above, formal or informal means of public participation may be permitted. Please ask the contact officer for the forum you are interested in participating in for more details.

1.3 The arrangements for public participation at the meetings will be as follows:-

Annex 1 Procedure for Public Questions, Statements and Deputations at Meetings

Annex 2 Petitions

Annex 3 Procedure for Public Participation in Development Management Committee Meetings

2. General Principles Governing All Public Participation

- 2.1 Questions, statements, deputations or petitions are not permitted on:-
- 2.1.1 Any matter relating to a planning decision (in respect of petitions only this exclusion shall include any matter about development plan document or the community infrastructure levy).
 - 2.1.2 However participation on planning applications is permitted under the separate public participation scheme that operates where the Development Management Committee is determining planning or other applications, as set out at Annex 3 to this Appendix.
 - 2.1.3 Any matter relating to an alcohol, gambling or sex establishment licensing decision.
 - 2.1.4 A separate procedure applies for quasi judicial hearings being held by the relevant committee or sub-committee and this is available, on request, from the Monitoring Officer.
 - 2.1.5 Any matter relating to the performance or employment of individual council staff.
 - 2.1.6 A separate procedure applies to petitioning for a senior Council officer to give evidence at a public meeting of the Council's relevant Overview and Scrutiny Committee (see paragraph 9 of Annex 2).
 - 2.1.7 Any matter relating to an individual or an entity where that individual or entity has a right of recourse or right of appeal conferred by or under any enactment.
 - 2.1.8 Complaints about the conduct of a councillor.

(A separate procedure applies for dealing with complaints against councillors)
 - 2.1.9 Matters which are "confidential" or "exempt" business.
- 2.2 Authority of the Chairman
- 2.2.1 The Chairman will have the right to stop persons from speaking at any time if he/she considers any speech to be defamatory, improper or outside the responsibilities of the Council.
 - 2.2.2 The Chairman may vary or suspend the operation of this procedure in advance of or during the meeting, if he/she considers:-

2.2.2.1 that it is necessary to do so for the purpose of maintaining order at the meeting; or

2.2.2.2 that it is convenient and conducive to the despatch of business to do so.

(Note: the term “public” also includes town/parish council members and clerks.)

PROCEDURE FOR PUBLIC QUESTIONS, STATEMENTS AND DEPUTATIONS AT MEETINGS

1. Public Questions, Statements and Deputations at the Beginning of the Meeting

- 1.1 At the beginning of each meeting of the Council (other than annual, budget setting or extraordinary meetings, except at the discretion of the Chairman), and of the Executive and committees, a period of up to 15 minutes will be allowed for public questions or statements, deputations and responses.
- 1.2 The Chairman of the Council, the Executive or the relevant committee will have discretion to extend this period.
- 1.3 Questions, statements or deputations should be relevant to the functions of the body to which they are addressed and relate to matters over which the Authority has powers or duties, including where the Council shares delivery responsibilities, or which affect the area of the Authority.
- 1.4 Normally no more than three speakers will be allowed to speak at a meeting on any one subject, with each individual speaker being restricted to a total of three minutes.
- 1.5 In the case of deputations, or where there are groups of speakers for or against an issue, each group will only have a total of three minutes to speak and, therefore, they will be encouraged to appoint a spokesperson.
- 1.6 Questions, statements and deputations during the 15 minute period will also be subject to the principles set out at paragraph 2 below and to the general principles governing public participation at paragraph 2 of **Appendix A**.

2. Principles Governing Public Questions, Statements and Deputations

- 2.1 Advance Notice:
 - 2.1.1 Advance notice of questions, statements or deputations should be submitted in writing to the Monitoring Officer a minimum of 2 clear working days before the meeting to enable an answer to be given at the meeting. If no advance notice is given of a question a written answer may be provided after the meeting.
 - 2.1.2 However persons wishing to speak must arrive no later than 15 minutes before the start of the meeting and complete a form indicating their wish to speak; and

- 2.1.3 It is recommended that speakers are present at the start of the meeting, since the timing of individual agenda items cannot be predicted.
- 2.2 The order of speaking will be in the order in which requests are received.
- 2.3 Questions should be directed to the chairman, who may request the appropriate member (or at a meeting of the Executive or a committee, the relevant officer), to reply.
- 2.4 Each question will be put and answered without discussion, although the Chairman may allow:-
 - 2.4.1 Further clarification or supplementary questions, including the Chairman asking questions of the member of the public; and
 - 2.4.2 A Member to request that an issue raised be included on the agenda of a future meeting.
- 2.5 Any question which does not receive a response through lack of time will be given a written reply within 5 working days after the meeting on the condition that the questioner has provided his/her name and address.

PETITIONS SCHEME

1. Submission and Content of Petitions

- 1.1 Members of the public may present the Council (but not at annual, budget setting or extraordinary meetings of the Council, except at the Chairman's discretion), or the Executive, or a committee, with petitions, upon giving at least 7 clear working days notice in writing of the petition to the Monitoring Officer, **subject to the principles of the General Principles Governing All Public Participation set out at Part A4 Appendix A section 2 of the Constitution**. If, following consideration of the petition as provided in paragraphs 5 to 8 below, the petition organiser is not satisfied with the response, he/she may request that the response be reviewed by the relevant overview and scrutiny committee in accordance with the procedure in paragraph 10.
- 1.2 The petition shall:-
- 1.2.1 be addressed to the Monitoring Officer of the Council;
 - 1.2.2 contain a clear and concise statement covering the subject of the petition and what action the petitioner wishes the Council to take;
 - 1.2.3 be validly signed by at least 10 persons, and in the case of e-petitions 100 persons, who live, work or study in the Authority's area (a written petition shall be deemed to be "validly signed" if the person has signed it and the petition states the person's name and address and the date of signature)
 - 1.2.4 designate one of the persons who has validly signed it as the person with whom the Council may deal in relation to the petition. (Where no lead petitioner is identified, the Council will contact signatories to the petition to agree who shall act as the petition organiser.)
- 1.3 Petitions should be relevant to the forum to which they are addressed and:-
- 1.3.1 concern a matter which relates to a function of the Authority; or
 - 1.3.2 whilst not relating to a function of the Authority, relate to an improvement in the economic, social or environmental well-being of the Authority's area to which any of its partner authorities could contribute.

2. Rejection of Petitions

- 2.1 The Monitoring Officer may reject any petition which:-
- 2.1.1 does not meet the criteria set out in paragraphs 1.2 and 1.3 above in the case of written petitions or the criteria set out in paragraphs 1.2.2 – 1.2.3 and 1.3 in the case of e-petitions; and/or
 - 2.1.2 relates to a matter which is excluded under the provisions of paragraph 2.1 of Appendix A; and/or
 - 2.1.3 is, in his/her reasonable opinion, vexatious, abusive or otherwise inappropriate to be dealt with under the Council's Petitions Scheme; and/or
 - 2.1.4 is the same as, or has a substantially similar effect to a petition which has been made to the Council within a period of six months ending with the date on which the petition was made to the Council; and/or
 - 2.1.5 in the case of e-petitions, breaches data protection, libel or the Authority's statutory requirement, as a public body, to comply with equalities and anti-discrimination legislation.

3. Acknowledgement of Petitions

- 3.1 The Monitoring Officer will send a written acknowledgment to the petition organiser within 3 clear working days of the date of receipt. The acknowledgement will give information about what the Council proposes to do in response to the petition, including the date and time at which the petition will be considered by the Council, Executive or relevant committee and will advise the petitioners of their right to speak under the provisions of this procedure.

4. E-Petitions

- 4.1 Members of the public may also submit e-petitions through the Council's website.
- 4.2 The petition organiser shall provide their name, postal address and email address and indicate for how long the petition should be open to signature.
- 4.3 E-petitions shall also comply with the provisions of paragraphs 1.2.2 – 1.2.3 and 1.3 above.
- 4.4 The Monitoring Officer shall be authorised to determine whether to host an e-petition and may reject any petition which he/she deems inappropriate. The decision on whether to host an e-petition will be made within 5 working days of submission of the original petition.

- 4.5 If the Monitoring Officer determines not to host an e-petition, he/she will notify the petition organiser within 3 clear working days of such decision. The petition organiser may, within 10 clear working days, change and resubmit the petition. In the event the petition organiser does not do this, a summary of the petition and the reason why it has not been accepted will be published under the “rejected petitions” section of the Council’s website.
- 4.6 Members of the public signing an e-petition will be required to provide their name, postcode and a valid email address. On submission of this information, an email will be sent to the email address provided with a link to confirm the email address is valid. Upon completion of this step, the signature will be added to the petition.
- 4.7 When an e-petition has closed for signature, it will be submitted to the next available meeting of the Executive or relevant committee of the Council having regard to the subject matter concerned. The Monitoring Officer will send a written acknowledgement of the petition as provided in paragraph 3. If the petition organiser wishes to present the e-petition to the Council, they shall notify the Monitoring Officer within 10 working days of receipt of the acknowledgement.

5. Petitions presented at full Council

- 5.1 At meetings of full Council (other than annual or extraordinary meetings, except at the discretion of the chairman), a period of up to 30 minutes per meeting shall be allowed for the receipt and discussion of petitions.
- 5.2 Petitions will be considered in the order that they are received on the basis of the following procedure:-
- 5.2.1 Petitions should be presented by either:-
- 5.2.1.1 the lead petitioner; or
 - 5.2.1.2 an individual nominated by the lead petitioner; or
 - 5.2.1.3 a member of the Council on behalf of the lead petitioner
- 5.2.2 who shall be entitled to speak for no more than 3 minutes to summarise the contents of the petition.
- 5.3 Petitions shall normally be discussed by the Council for up to 10 minutes.
- 5.4 Petitions containing more than 1,250 signatures **must** be debated by the Council and will be discussed for up to 15 minutes.
- 5.5 Petitions calling for evidence from an officer under paragraph 9 are excluded from the requirement for debate by the Council.

- 5.6 The Council will take one of the following steps in relation to the petition having the effect of:-
- 5.6.1 giving effect to the request in the petition; or
 - 5.6.2 holding an inquiry; or
 - 5.6.3 commissioning research; or
 - 5.6.4 holding a public meeting; or
 - 5.6.5 giving a written response to the petition organiser setting out the Council's views about the request in the petition
 - 5.6.6 referring the petition to the Executive or relevant committee or to an overview and scrutiny committee; or
 - 5.6.7 referring a petition which relates to a traffic regulation order to a meeting of the Executive Member for Sustainable Communities - Services convened to deal with traffic regulation orders and highways related matters.
- 5.7 Where the issue is one on which the Executive is required to make the final decision, the Council will decide whether to make recommendations to inform that decision.
- 5.8 The chairman shall have discretion to extend the period allowed for the receipt and discussion of petitions, in the event that any petitions of which notice has been given remain to be received.
- 5.9 The Monitoring Officer shall within 2 clear working days of the date of the Council agreeing its response to the petition:-
- 5.9.1 notify the petition organiser in writing of the steps the Council has taken or proposes to take in response to the petition and the reason for doing so; and
 - 5.9.2 publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.
- 5.10 Where a petition has been referred to the Executive, the relevant committee, an overview and scrutiny committee or the Executive Member for Sustainable Communities - Services, the notification shall include the date and time of the meeting at which the petition will be considered and details of the petitioners' rights to speak under the provisions of this procedure.

6. Petitions presented at or referred to the Executive or Committees

6.1 Where petitions are presented directly to the Executive or a committee, or referred to the Executive or a committee from the Council, they will be considered in the order that they are received on the basis of the following procedure:-

6.1.1 Petitions should be presented by either:-

6.1.1.1 the lead petitioner; or

6.1.1.2 an individual nominated by the lead petitioner; or

6.1.1.3 a member of the Council on behalf of the lead petitioner

who shall be entitled to speak for no more than 3 minutes to summarise the contents of the petition.

6.2 The Executive or committee will take one of the following steps in relation to the petition having the effect of:-

6.2.1 giving effect to the request in the petition; or

6.2.2 holding an inquiry; or

6.2.3 commissioning research; or

6.2.4 holding a public meeting; or

6.2.5 giving a written response to the petition organiser setting out the Executive's or committee's views about the request in the petition; or

6.2.6 referring the petition to an overview and scrutiny committee; or

6.2.7 referring the petition to the full Council; or

6.2.8 referring a petition which relates to a traffic regulation order to a meeting of the Executive Member for Sustainable Communities - Services convened to deal with traffic regulation orders and highways related matters.

6.3 The Monitoring Officer shall within 2 clear working days of the date of the Executive or relevant committee agreeing its response to the petition:-

6.3.1 notify the petition organiser in writing of the steps the Executive or committee has taken or proposes to take in response to the petition and the reason for doing so; and

6.3.2 publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.

6.4 Where a petition has been referred to the Council, an overview and scrutiny committee or the Executive Member for Sustainable Communities - Services, the notification shall include the date and time of the meeting at which the petition will be considered and details of the petitioners' rights to speak under the provisions of this procedure.

7. Petitions on matters which may be affected by the setting of the Council's budget

7.1 Petitions on matters which may be affected by the setting of the Council's budget shall be considered first by the relevant overview and scrutiny committee and then by the Corporate Resources Overview and Scrutiny Committee which meets prior to the Executive's consideration of the draft budget.

7.2 The Corporate Resources Overview and Scrutiny Committee shall make recommendations to the Executive on matters set out in the petitions.

7.3 The Executive shall have regard to the recommendations arising from the petitions when determining its budgetary recommendations to Council.

7.4 If any petitions on budgetary matters are received outside of this timeframe, they may be referred to the appropriate body for consideration, but there is no assurance that they will be taken into account in the budget setting process.

8. Petitions referred to meetings of the Executive Member for Sustainable Communities - Services

8.1 Where petitions are presented directly to a meeting of the Executive Member for Sustainable Communities - Services, or referred to the Executive Member from the Council or Executive, they will be considered in the order that they are received on the basis of the procedure set out below.

8.1.1 Petitions should be presented by either:-

- 8.1.1.1 the lead petitioner; or
- 8.1.1.2 an individual nominated by the lead petitioner; or
- 8.1.1.3 a member of the Council on behalf of the lead petitioner

who shall be entitled to speak for no more than 3 minutes to summarise the contents of the petition.

8.2 The Executive Member shall take one of the following steps in relation to the petition having the effect of:-

- 8.2.1 giving effect to the request in the petition; or
- 8.2.2 holding an inquiry; or
- 8.2.3 commissioning research; or
- 8.2.4 holding a public meeting: or
- 8.2.5 giving a written response to the petition organiser setting out the Executive Member's views about the request in the petition; or
- 8.2.6 referring the petition to an overview and scrutiny committee; or
- 8.2.7 referring the petition back to the Executive where the Executive Member considers it appropriate having regard to the circumstances relating to the petition in question.

8.3 The Monitoring Officer shall within 2 clear working days of the date of the Executive member agreeing his response to the petition:-

- 8.3.1 notify the petition organiser in writing of the steps the Executive Member has taken or proposes to take in response to the petition and the reason for doing so; and
- 8.3.2 publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.

8.4 Where a petition has been referred to the Executive or an overview and scrutiny committee, the notification shall include the date and time of the meeting at which the petition will be considered and details of the petitioners' rights to speak under the provisions of this procedure.

9. Officer Evidence

- 9.1 Petitions may ask for a senior council officer to give evidence at a meeting of the relevant overview and scrutiny committee about something for which the officer is responsible as part of their job.
- 9.2 Such petitions must contain at least 600 signatures. Save as provided in paragraph 9.3 below, the relevant senior officer will give evidence at a meeting of the relevant overview and scrutiny committee. A list of which senior officers can be called to give evidence can be found on the Council's website.
- 9.3 The relevant overview and scrutiny committee, or its chairman, may request that another officer of the Council should attend before the committee where the committee and/or chairman considers that, for the purposes of addressing the concerns raised by the petition, it would be more appropriate for that officer to attend.

10. Review by Overview and Scrutiny of Adequacy of Response to Petition

- 10.1 The petition organiser may, by giving notice in writing to the Monitoring Officer within 5 working days of being advised of the Council's response, request that the relevant overview and scrutiny committee review the adequacy of the response to the petition (i.e. the overview and scrutiny committee shall review the steps taken by the Council to process the petition).
- 10.2 Where such a request is received, the Monitoring Officer shall arrange for the request, together with the response to the petition, to be included on the agenda for the next scheduled meeting of the relevant overview and scrutiny committee.
- 10.3 The overview and scrutiny committee has four options having reviewed the adequacy of the response to the petition:-
 - 10.3.1 to agree with the steps taken or proposed to be taken in response to the petition; or
 - 10.3.2 to call upon the Executive, relevant committee or the Council to reconsider the matter; or
 - 10.3.3 to make recommendations to the Executive, committee or the Council to pursue a particular course of action; or
 - 10.3.4 to refer the matter for consideration by the full Council.
- 10.4 The Monitoring Officer shall within 10 clear working days of the date of the overview and scrutiny committee completing its review of the response to the petition:-

- 10.4.1 notify the petition organiser in writing of the results of the review; and
 - 10.4.2 publish that notification on the Council's website, unless in his/her reasonable opinion, in all circumstances, it would be inappropriate to do so.
- 10.5 The presentation of petitions will also be subject to the general principles governing public participation set out at paragraph 2 of **Appendix A**.

**PROCEDURE FOR PUBLIC PARTICIPATION IN DEVELOPMENT MANAGEMENT
COMMITTEE MEETINGS WHEN DETERMINING
PLANNING OR OTHER APPLICATIONS**

Applicants, agents, representatives of parish/town councils, councillors who have a personal and prejudicial interest and members of the public, who have already submitted comments in writing prior to the despatch of the Agenda, will be entitled to speak (but will not be entitled to question officers or members) during the consideration of a planning or other application at any meeting of the Development Management Committee. Such entitlement to speak should be in accordance with the following provisions:

1. Any person (meeting the qualifications above) who wishes to speak must notify the Director of Regeneration by letter, telephone, e-mail or fax by close of business on the day before the meeting at which the application in which he/she has an interest is to be considered.
2. The following procedure will apply in respect of each item:-
 - 2.1 Introduction of item by officers and/or chairman;
 - 2.2 Representations by parish/town council representative(s);
 - 2.3 Representations by objector(s) or representative for all objectors;
 - 2.4 Representations by applicant and/or any supporters;
 - 2.5 Representations by a councillor with a personal and prejudicial interest;
 - 2.6 Opportunity for officer(s) to comment/clarify; and
 - 2.7 Consideration of application by members, beginning with representations by ward member(s);

- (*Note
1. In view of the limited time available to each speaker, persons wishing to make representations will not be permitted to make formal presentations using visual display equipment.
 2. Any information to be considered by the committee should be presented to officers by midday 3 working days prior to the meeting to allow for the information to be considered. No new information may be presented during the meeting.
 3. Any other councillor (not being a member of the committee) may also be permitted to speak on an item.)

3. The total time allowed for speeches in respect of each of the following groups of speakers will not exceed three minutes:-
 - 3.1 Parish/town council representatives for each parish/town council that may have been consulted on an application who will be authorised, in writing, to speak by the clerk or chairman of the parish/town council on that council's behalf;
 - 3.2 Objectors;
 - 3.3 Applicants and/or supporters; and
 - 3.4 Councillors with a personal and prejudicial interest.
4. Where an application affects more than one town/parish, the chairman will have discretion to vary the requirements of 3.1 to 3.4 above where he/she considers it conducive to the despatch of business and will not cause prejudice to the parties involved.
5. In the event of there being no spokesperson appointed to speak on behalf of a group of speakers referred to under either category 3.2 and/or 3.3 above, the order of speaking shall be the same as the order in which the requests were received until the time limit has expired.
6. Where consideration of a planning or other application is deferred, public participation shall be permitted on each occasion that such an application is reconsidered provided that the notice requirements at 1 above have been complied with.
7. In relation to any matter which is on the agenda or to be discussed at Development Management Committee which is not a planning application within the scope of this Procedure, the provisions of the general Public Participation Procedure above will apply with the exception of paragraph 1. of Annex 1 (Procedure for Public Questions, Statements and Deputations at Meetings) and paragraph 2.1.4 (General Principles Governing All Public Participation) of **Appendix A**).
8. This scheme provides members of the Council with the only opportunity to be able to speak where they have declared a disclosable pecuniary interest in the planning application. Such Members must withdraw from the meeting after speaking under this scheme.
9. For interpretation purposes, parish/town council shall be taken to include a parish meeting.
10. This procedure applies only in respect of applications in relation to which the Council is the statutory planning authority and has the power of determination. Any application in respect of which the Council is acting as a consultee is subject to the provisions of 7 above.

11. The chairman will have the right to stop persons from speaking at any time if he/she considers the question or statement to be defamatory, improper or outside the responsibilities of the committee.
12. The chairman of the committee may vary the order in which applications are to be considered if he/she considers that it is convenient and conducive to the despatch of the business and will not cause any prejudice to the parties involved.
13. The chairman may vary or suspend the operation of this procedure in advance of or during the meeting, if he/she considers:-
 - 13.1 That it is necessary to do so for the purpose of maintaining order at the meeting; or
 - 13.2 That it is convenient and conducive to the despatch of business to do so and that it will not cause prejudices to the parties involved.