

## Article 3 – Residents and Public Participation

### 3.1 Residents' Rights

Residents have a number of rights. The following list is a general summary of rights in terms of information, the opportunity to participate and the ability to make complaints.

- (a) (i) **Petition scheme.** Residents who are concerned about a Council service or a decision that is about to be made may send the Council a petition which shall be considered and responded to in accordance with the Petition Scheme as outlined below.
- (b) **Information.** Residents have the right to:
  - (i) Attend meetings of the Council and its committees, except where confidential or exempt information is likely to be disclosed, and that part of the meeting is therefore held in private;
  - (ii) See agendas, reports and background papers, except where confidential or exempt information is likely to be disclosed, and any records of decisions made by the Council and its committees; and
  - (iii) Inspect the Council's accounts and make their views known to the external auditor.
- (c) **Treatment.** Residents have the right to:
  - (i) Be treated with understanding and respect;
  - (ii) Have equal opportunity with other residents; and
  - (iii) Receive quality services provided to Best Value principles.
- (d) **Public Engagement.** Residents have the right to ask questions and receive answers at committee meetings in accordance with the following rules.

Residents can participate in Committee meetings as follows:

- By asking a public question
- By submitting a petition
- By submitting a public comment
- By submitting an issue to an Area Committee

### 3.2 Questions to a Committee

Questions must specify the item of business on the agenda which they relate to. Committee agendas are usually published on the Council's website five clear working days prior to the meeting. Residents should state their road and postcode when submitting questions. Each question is limited to 100 words.

Questions should be submitted in writing to the relevant Governance Officer by 10am on the third working day prior to the meeting. Any questions submitted after this time will not be considered.

Questions will be answered by the Chair in the meeting in order of receipt, alternating between residents. Residents will be able to ask one supplementary question per question answered. Questions will be published prior to the meeting. Any additional questions received will be not be accepted.

Residents submitting questions are able to send a substitute to ask their question if they are unable to attend the committee meeting. The Governance Officer supporting the meeting should be made aware of this prior to the meeting commencing. Any questions that are not answered at the meeting will be given a written response at the discretion of the Chair.

### **3.3 Written Comments to Committees**

Written comments must specify the item of business on the agenda which they relate to. Committee agendas are published on the Council's website five clear working days prior to the meeting. Residents should state their road and postcode when submitting comments. Each written comment is limited to 100 words.

Written comments should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting. Any written comments received after this time will not be considered.

A resident may submit one written comment per agenda item.

Written comments will be reported to the committee and published alongside the agenda papers for the meeting.

### **3.4 Procedure for Questions at Committees**

At committee meetings a time period of up to 30 minutes is available for public questions in total. Questions will be asked in order of receipt.

#### **Public questions or comments are not permitted:**

- If they don't relate to a substantive item on the agenda
- If they are defamatory, abusive or offensive.
- If submitted from Council employees or trade unions on employment matters; there are avenues available for these to be addressed via the Terms of Reference of the Constitution & General Purposes Committee.
- If they would result in the release of confidential information, or which may prejudice enforcement.
- If they relate to a matter where there is a right of appeal against any decision of the Council.
- If they have been submitted by someone who has been deemed to be subject to the Management of Unreasonable Complainant Behaviour Policy and they relate to the particular subject matter for which the policy was imposed;

- If they are received from people who are not Barnet residents;
- At the Strategic Planning Committee and Planning Committees on Town and Country Planning applications (a separate procedure is detailed in section 3.7). Public questions are permitted at the Strategic Planning Committee on planning policy matters;
- If they relate to the making / confirmation of Tree Preservation Orders, as the procedure for making objections or representations is prescribed by the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

The Chair of the relevant Committee or Sub-Committee, in consultation with the Head of Governance, shall decide whether any particular question, comment or issue will be permitted.

### **3.5 Issues for Area Committees**

Issues must be received by the Governance Service by 10am on the tenth working day prior to the meeting for the item to be discussed at the Area Committee. Written responses to local matters will be provided on the fifth clear working day before the Area Committee takes place as part of the committee agenda. Residents should state their address when submitting an issue.

The Area Committee Chair has the discretion to accept issues with less than 10 working days' notice if they deem the matter to be urgent. Responses to urgent matters will be responded to verbally by officers at the Area Committee meeting.

The Six Month Rule shall apply whereby matters dealt with cannot be raised again within this period. The Six Month Rule means that an Area Committee will not reconsider any issues discussed or any decision taken by a committee in the last six months preceding the date of the committee. An exception is that where the Chair has agreed that an issue raised at a previous Area Committee meeting should be reported back with a detailed response in which case the resident who raised the original issue (or their nominated deputy) will be invited to address the Committee for up to 3 minutes. The Area Committee may also be a forum for certain consultations from the Council as decided by the Chair.

Area Committee issues will be considered in order of receipt. Where a resident has submitted more than one issue, their second item or question will be considered after all other residents have presented their first item. Issues will continue to be determined in this way until all issues have been considered.

The Area Committee will determine issues in the following way:

1. Residents will have the opportunity to address the Committee for up to 3 minutes on the issue they have previously raised
2. Chairs, Chief Officers or other relevant officers may respond to the issues raised
3. Having considered the issue the Committee can take the following actions:
  - note the issue and take no action

- instruct that an appropriate named officer contact the resident within 20 working days to provide an additional response and that this response be published in the meeting documents available on the website.
- instruct that Ward Members are notified of the issue.
- decide that a Road Safety and Parking issue be referred to the Director of Highways & Transport

When determining issues in accordance with the options detailed above, the Committee must give reasons for their decision.

### 3.6 Petitions

Petitions must have a minimum of 25 signatures and be relevant to the functions of the authority. The petition will be presented to the Governance Service who will forthwith present it to the relevant Director and/or the relevant Committee Chair for information.

Petitions can either be submitted in hard copy to the Head of Governance or by using the authority's e-petitions facility. It is acceptable to combine paper petitions and e-petitions, providing the action the Council is being requested to take in the petitions are the same.

The address of the Head of Governance is as follows:

Head of Governance  
London Borough of Barnet  
2 Bristol Avenue  
Colindale  
London  
NW9 4EW

The authority's e-petition facility can be found here:

<https://barnet.moderngov.co.uk/mgEPetitionListDisplay.aspx?bcr=1>

E-petitions submitted on external websites can be accepted by the council. However, petitions hosted on external websites will need to be submitted by the lead petitioner to the Head of Governance in order for the petition to be accepted.

Petition signatures must be from Barnet residents otherwise they will not count towards the overall signature total. Petitions signatories must provide road and postcode to enable them to be verified.

A petition will not be accepted if:

- it is vexatious or abusive;
- it relates to any enactment or statutory provision;
- it relates to a safeguarding matter;
- it does not contain the road and postcode of signatories;
- it relates to a named individual or could reveal the identity of a person;
- it does not relate to the functions of the council;
- it is not clear what it is asking the council to do;
- it deals with an issue that has previously been resolved;

- it is repetitive, vexatious, or requires action which is unlawful or for which another council procedure is available

The Head of Governance will make a ruling on whether or not to accept a petition, taking into consideration grounds for rejection as laid out above.

On such an occasion where a petition is rejected, the Head of Governance (or his/her representative) will write to the lead petitioner and explain the reasons for rejection.

Petitions relating to planning or licensing applications, appeals or reviews will be treated as letters of representation and will be dealt with by the relevant service area and will be taken into consideration in dealing with the relevant application, appeal or review. For petitions falling within these categories, the reporting procedures below will not apply.

Petitions which have been submitted in response to a consultation process initiated by a specific committee should be reported back to that committee.

Petitions will be acknowledged within 10 working days. The acknowledgement will include information on how the petition will be progressed.

Petitions will be reported as follows:

<b>Signatures</b>	<b>Forum and Procedure</b>
0-24	No action required.
25 – 6,999 Signatures	<p>Where the petition relates to the functions and responsibilities of an Area Committee it will be reported to the relevant Area Committee.</p> <p>Where the petition relates to the matters outside the functions and responsibilities of an Area Committee, the petition will be reported to the relevant Theme Committee.</p> <p>For Petitions with 25 – 1,999 signatures, the Lead Petitioner will be given three minutes to present the petition to the Committee. For Petitions with 2,000 – 6,999 signatures the Lead Petitioner will be given five minutes to present the petition to the committee.</p> <p>Following the presentation, the Chair and Committee Members have an opportunity to ask the Lead Petitioner questions. After the debate the Committee will decide to:</p>

	<ul style="list-style-type: none"> <li>• Take no action</li> <li>• Refer the matter to a chief officer to provide a written respond to Lead Petitioner within 20 working days; or</li> <li>• Instruct an officer to prepare a report for a future meeting of the Committee on the issue(s) raised with a recommended course of action</li> </ul>
7,000 plus Signatures	<p>The petition will be considered by Full Council and the following process will be followed:</p> <ul style="list-style-type: none"> <li>• Lead Petitioner is given five minutes to present the petition;</li> <li>• Council Members have an opportunity to ask questions of the Lead Petitioner then debate the item.</li> <li>• The relevant Committee Chair will respond to the issues raised in the petition and outline the decision route (if any) he/she proposes to take</li> </ul>

Petitions are required to be received seven working days before the relevant committee meeting or Full Council.

Any hard copy petition received will be published on the Council's website via the Council's e-petition facility and processed by the Council as documented in this section. Updates or responses to petitions will be published on the e-petitions section of the website once an officer has responded or a Committee or Full Council has received a petition.

### 3.7 Requests to speak at Planning Committees

Requests to speak about an application on the planning committee agenda should be submitted to the relevant Planning Case Officer by 10am on the third working day prior to the meeting.

In addition to any Councillor and the Applicant (or their representative) two residents may speak. Such speakers shall be one for and one against the application unless there is no resident wishing to speak for the application in which case two residents may speak against the application, or no resident in objection in which case two residents may speak in support of the application.

At the meeting, each speaker will have a time period of up to 3 minutes to address the committee. Committee members will then have the opportunity to question the speaker.

Residents who have requested to speak are able to send a substitute to make their representation if they are unable to attend the committee meeting. The Governance Officer supporting the meeting should be made aware of this prior to the meeting commencing.

Where an application being considered by a Planning Committee is referred to the Strategic Planning Committee for determination, the speaking rights of members of the public who have registered to speak on the application or item will automatically transfer to the Strategic Planning Committee.

Speaking rights will also automatically transfer where an application has been deferred or adjourned to a future meeting of planning committee, but only if the speakers have not already addressed the committee on the deferred or adjourned item. In cases where the membership of the committee which considers the deferred or adjourned application is different from the committee which originally heard the application, then the application should be fully re-heard including speakers.

Public speaking arrangements do not apply to an item relating to the making / confirmation of a Tree Preservation Order as this would be contrary to the legislative procedure for making objections and/or representations.

### **3.8 Requests to speak on Assets of Community Value listings**

Requests to speak about an application to list an Asset of Community Value should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting.

In addition to any Councillor, the Asset Owner (or their representative) and a representative from the nominating body, up to two residents may speak. Such speakers shall be one for and one against the listing application unless there is no resident wishing to speak against the listing application in which case two residents may speak in favour of the listing, or no resident in favour in which case two residents may speak against the listing application.

At the meeting, each speaker will have a time period of up to 3 minutes to address the committee or sub-committee. Committee or sub-committee members will then have the opportunity to question the speaker.

### **3.9 Requests to speak on Neighbourhood Community Infrastructure Levy Funding Applications**

Requests to speak about an application for Community Infrastructure Levy funding at an Area Committee should be submitted to the relevant Governance Officer by 10am on the third working day prior to the meeting.

In addition to any Councillor, a representative from body applying for funding may speak for up to 3 minutes. Committee members will then have the opportunity to question the speaker.

### **3.10 Complaints**

Residents have the right to complain to:

- (i) the Council itself under its complaints scheme;
- (ii) the Local Government Ombudsman (after using the Council's own complaints scheme);

- (iii) the Monitoring Officer about a breach of the Members Code of Conduct.

### **3.11 Disorderly Conduct**

If a member(s) of the public or press (or a Councillor) interrupts the proceedings at any meeting, the Mayor or Chair may warn him/her. If s/he continues the interruption and a warning has previously been given, the Mayor or Chair may order his/her removal from the meeting place. In the event that the meeting is disrupted the Mayor or the Chair may adjourn the meeting and if required clear the public gallery. The meeting will then reconvene to consider the remaining business without the public.