

APPENDIX M

Section 4 – Public Participation and Engagement

1. Introduction

- 1.1 This section relates to how members of the public can participate in the formal decision making process of the Council. There are other less formal ways that the public can engage with the Council (such as Resident's Forums, consultations and other working groups) all of which form part of the governance and accountability framework.
- 1.2 There are three ways in which members of the public can participate in committee meetings. These are:
 - By asking a public question
 - By making a public comment
 - By submitting a petition
- 1.3 The following sections outline the process by which members of the public can exercise their right to participate in formal committee meetings, as well as giving details of the rules governing the exercise of these powers.

2. Public Questions

- 2.1 Questions must relate to an item being considered on a committee agenda and be addressed to the committee Chairman. Committee agendas are published on the Council's website five working days prior to the meeting. Members of the Public should state their current/business address or organisation when submitting questions.
- 2.2 Questions should be submitted to the relevant Governance Officer by 10am on the second working day prior to the meeting. Any questions submitted after this time will not be considered.
- 2.3 At the meeting, a time period of up to 30 minutes, or for up to 20 questions (whichever occurs first), is available for public questions.
- 2.4 Written responses to public questions will be circulated to the questioner in advance, or at the meeting. If they wish, members of the public can ask the committee chairman one supplementary question at the committee meeting, which will be answered without discussion.

- 2.5 Members of the public submitting questions are able to send a substitute to ask their supplementary 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

3. Public Comments

- 3.1 Comments must relate to an item being considered on a committee agenda and provide members of the public with an opportunity to address Committee Members. Committee agendas are published on the Council's website five working days prior to the meeting.
- 3.2 Requests to speak should be submitted to the relevant Governance Officer named on the front page of the agenda and received by 10am on the second working day prior to the meeting. Any requests to make comments after this time will not be considered.
- 3.3 At the meeting, each speaker will have a time period of up to 5 minutes to address the Committee. Committee Members will then have the opportunity to question each speaker on the representation that they have made.

4. Public Comments at Planning Committees and Sub-Committees

- 4.1 For requests to speak on planning applications or tree preservation orders at planning committee or sub-committee meetings, the following rules apply.
- 4.2 Requests to speak should be sent by e-mail or post to the Planning Service and **received** by 10am on the third working day prior to the meeting.
- 4.3 A maximum of three speakers are able to address the committee or sub-committee on each application. There can be a maximum of two speakers in favour or against an application. The third speaker slot is reserved for the applicant or their agent whose representation will be taken as the last speaker on an item (in order that they can address any comments or concerns raised). Any Councillor wishing to address the Committee or sub-Committee shall have up to 3 minutes and shall be in addition to the two speakers.
- 4.4 Where more than the maximum number of requests to speak have been received, the public shall decide amongst themselves who is to address

the Committee. If this does not take place, the Chairman shall use their discretion to determine who is able to speak).

- 4.5 When registering to speak, members of the public will be asked by the Planning Service if they consent to having their details passed on to other supporters or objectors, thus enabling them to put forward views of others who have an interest in and wish to make representations on the application. If public speakers are representing the views of others, written authorisation is required. Written authorisations must be submitted to the Governance Officer before the meeting commences. Where this authorisation is received, the public speaker must inform the committee in making their presentation who they are representing in their submission.
- 4.6 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.
- 4.7 Members of the public making comments to planning committees and sub-committees are able to send a substitute if they are unable to attend the committee meeting. The Governance Officer supporting the meeting should be made aware of the substitution prior to the meeting commencing.
- 4.8 Where a Planning Committee or Planning sub-Committee is considering an application that has been recommended for refusal by Officers and there are no objectors speaking on the application, the Applicant or their agent shall have the right to address the Planning Committee or Planning sub-Committee.

5. Restrictions and Exceptions for Public Questions and Comments

- 5.1 Public questions and comments are not permitted:
 - On any matter which has been the subject of a decision of any committee in the previous six months
 - If they are requests from or in connection with the aims and activities of a political party
 - If they would result in the release of confidential information, or which may prejudice enforcement
 - If they relate to a matter where this is a right of appeal against any decision of the Council

- 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 General Functions Committee.

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

5.2 Public questions and comments are not permitted at the following meetings:

- Council
- Informal meetings
- Licensing Committees and sub-Committees – the procedure for making representations on licensing applications is prescribed by the Licensing Act 2003

5.3 Public questions are not permitted at Overview and Scrutiny Committees when they are considering call-ins or undertaking pre-decision scrutiny of executive decisions.

5.4 Public comments are permitted at Cabinet or Cabinet Committee meetings with the agreement of the Chairman. Public questions are permitted in the usual manner.

6. Petitions

6.1 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.

6.2 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. An e-petition will only be accepted if it complies with the terms and conditions set out in the Council's e-petitions facility.

6.3 Petitions will not be accepted if they are:

- vexatious or abusive
- relate to any enactment or statutory provision; or

- 6.4 Petitions relating to planning or licensing applications, appeals or reviews will be dealt with by the relevant service area and will be taken into consideration in dealing with the relevant application, appeal or review. Petitions that are submitted to the Council that do relate to Planning or Licensing matters will be taken into account by the relevant service during the consideration of an application.
- 6.5 Petitions will be acknowledged within 10 working days. The acknowledgement will include information on action that will be taken by the Council in respect of the petition.
- 6.6 Petitions which receive over 25 signatures will be considered in one of the following ways:
- i) At the relevant Residents' Forum, if the issue raised relates to matters as defined in the Terms of Reference, contained within Article 10 of the Constitution or
 - ii) Be referred to the appropriate Cabinet Member and Director who will provide a written response to Lead Petitioner in respect of the issue(s) raised within 20 working days. In this case, the item will be noted at the next Residents Forum, with any action taken.
- 6.7 In relation to petitions considered at Residents' Forums (as referred to at 6.6 i) above), the following actions are available to the Forum:
- i) Take no action
 - ii) Refer the issues as a relevant matter to the relevant Area Environment Sub-Committee (which meets immediately after the Residents' Forum). The Chairman of the Forum will present the petition, outline the issues raised by the petitioner(s) and recommend a course of action, in line with the Sub-Committee's terms of reference.
- 6.8 In relation to petitions referred to Area Environment Sub-Committees as relevant matters, the following actions are available to the Sub-Committee:
- Note the petition
 - Ask officers to present a report to a future meeting of the Area Environment sub-Committee
 - Formally refer to the Cabinet Member
 - Formally instruct an officer (within their powers) to take action

- To bring the matter to the attention of the Ward Councillors (who will consider and respond to the issue individually)

6.9 In addition to the procedure outlined in paragraphs 6.6 – 6.8 above, petitions which receive 2,000 signatures and over but less than 7,000 will be considered at the next available meeting of the Business Management Overview and Scrutiny Committee. Petitions are required to be received 15 days before the Committee meeting, and only one petition will normally be heard per meeting. The Committee Chairman will request that the relevant Cabinet Member and Chief Officer attend the meeting to be called to give account with regard to the issues raised. Details of the procedure to be followed at the meeting and the actions available to the Committee are set out below:

- i) Lead Petitioner is given five minutes to present the petition;
- ii) Committee Members have an opportunity to ask questions of the Lead Petitioner;
- iii) Cabinet Member and Chief Officer respond to the issues raised in the petition;
- iv) Committee Members ask questions of the Cabinet Member and Chief Officer;
- v) The Committee will then consider the issues raised and the responses received and take one of the following actions:
 - Take no action
 - Note the petition
 - Make representations to the relevant Cabinet Member and Chief Officer on the issue(s) raised in the petition, detailing the Committee's view on the issue(s) and a recommended course of action. Such a representation requires a formal response to the Committee Chairman and Lead Petitioner within 20 working days
 - Instruct an officer to prepare a report for a future meeting of the Committee on the issues raised
 - Commission a committee report on the issue(s)
 - Commission a Task and Finish Group or Panel to consider the issue(s)

6.10 In addition to the procedure outlined in paragraphs 6.6 – 6.9 above Petitions which receive 7,000 signatures or over will be considered at the next available Full Council meeting. Petitions are required to be received 15 days before the Council meeting, and only one petition will be heard per meeting. Details of the procedure to be followed at the meeting are set below:

- i) Lead Petitioner is given five minutes to present the petition;
 - ii) Council Members have an opportunity to ask questions of the Lead Petitioner then debate the item.
 - iii) The relevant Cabinet Member will respond to the issues raised in the petition and outline the action (if any) he/she proposes to take
- 6.11 A notification of formal receipt of a petition will be published on the council's website via the Council's e-petition facility.