

## APPENDIX A

### Powys County Council – Protocol for Public Participation at Council Meetings.

From a review undertaken of other Councils in Wales 11 of the 22 County Councils allow public questions at Council meetings. Of the 3 National Park Authorities only Eryri allows public questions at authority meetings. One authority also allows public questions at Cabinet meetings.

**Question 1: Should Powys County Council allow public questions at Full Council meetings?**

**Question 2: If the answer to question 1 is YES, should this right be extended to Cabinet meetings?**

Below is a suggested protocol which the Council could adopt. It has been drawn together from the constitutions of other Councils who currently operate public question sessions.

### PUBLIC QUESTIONS

**Question 3: Who can be asked a question?**

(a) Cabinet Members;

(b) Chairs of Committees;

(c) Any Member of the Council

#### Who Can Ask Questions:

Any person (other than Members) who resides, works or studies in the area of the Council may ask questions of ?? at Ordinary Meetings of the Council.

**Question 4: At what point in a meeting should the public question session be held – beginning or end?**

#### Public Question Session:

The public question session will be held at the ?? of the meeting.

**Question 5: How long in total should be allowed for all questions and answers?**

**Question 6: Does there need to be a set time for individual questions and answers as well?**

**Question 7: Should there be a maximum number of questions per session?**

#### Length of Public Question Session:

A period of no longer than ?? minutes in each meeting shall be allowed for public questions (including responses). Each question and answer will take no longer than 5 minutes each and there will be a maximum number of 6 questions per session.

**Question 8: What notice is required for a valid question to be accepted?**

**Question 9: If a question does not contain the name and address of the**

**requestor should it be rejected as invalid?**

**Question 10: How many questions per requestor should be allowed in each session?**

**Question 11: Should there be a limit on the number of questions which can be asked by a person in a year (and should this be a Council year i.e. May to April)**

**Notice and Number of Questions:**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Solicitor to the Council by no later than 5pm, ?? Working Days before the day of the meeting. Each question must give the name and address of the questioner and must specify the person to whom it is to be put (by name or title).

At any one meeting no person may submit more than ?? question and no more than ?? such question may be asked on behalf of one organisation. Each element of multi-part questions will be treated as a separate question.

The number of questions that an individual can ask in a municipal year (May to April) shall be limited to ??, with any further questions being accepted only at the discretion of the Chair.

**Question 12: Do the items below cover the circumstances in which questions should be rejected?**

**Scope of Questions:**

The Chair may reject a question if it:

- (i) is not about a matter for which the County Council has responsibility / powers or duties or which affects the County; and / or
- (ii) is defamatory, frivolous or offensive; and / or
- (iii) is substantially the same as a question which has been considered at a meeting of the Council in the past six months; and / or
- (iv) requires the disclosure of confidential or exempt information; and / or
- (v) relates to a complaint (complaints should be presented through the Council's complaints procedure); and / or
- (vi) relates to a matter which is the subject of legal or enforcement proceedings or an appeal to a court or tribunal or to a Government Minister or the National Assembly or an investigation by the Local Government Ombudsman; and / or
- (vii) relates to a Regulatory Decision or a specific application for permission, a licence, consent, approval or registration, or any enforcement action relating to such a matter; and / or
- (viii) relates to a decision which has been made by the Council in exercise of its regulatory functions in respect of which there are legal rights of redress; and / or
- (ix) relates to the activities and aims of a political party or organisation; and / or
- (x) relates to an individual / group / business or the questioner's own particular circumstances; and / or

- (xi) relates to the personal circumstances or conduct of any officer and Councillor or conditions of service of individual employees; and / or
- (xii) is a statement or otherwise and is not a genuine enquiry; and / or
- (xiii) would require the expenditure of a disproportionate amount of time, money or effort to prepare the answer; and / or
- (xiv) relates to a local matter that has no wider significance to the County.

The ruling of the Chair in the above matters shall be final.

### **Question 13: Is the process set out below clear?**

#### **Order of Questions:**

Questions will be asked in the order in which notice of them was received, except that the Chair may group together similar questions.

#### **Recording of Questions:**

The Solicitor to the Council will make a record of each question received and a copy of the questions to be asked at a meeting will be open to public inspection and circulated to Members prior to the meeting. A copy of the question will be sent to the Councillor to whom it is to be put. Rejected questions will be open for inspection with a record of the decision for the rejection which shall include the reasons for rejection.

#### **Process at the Meeting:**

The order in which questions are taken shall be at the discretion of the Chair.

Each questioner will be required to identify himself / herself at the meeting when the question is called for answer by the Chair. When the questioner has identified himself / herself the question will be deemed to have been asked and there will not be a requirement for the questioner to read out the question.

If the questioner is absent or fails to identify themselves then the question will be deemed to be withdrawn and a response will be provided in writing only. If the Councillor to whom the question has been put is unable to attend the meeting, the response will be by means of a written answer.

Any question not asked because of insufficient time, will be answered in writing with a copy of the answer provided to all councillors.

#### **Supplementary Questions:**

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must relate to the original question or the answer given and be limited to one minute. The Chair may reject a supplementary question on any of the grounds set out above.

#### **Record of Debate:**

Questions asked under this section and a summary of the replies to the questions will be recorded in the minutes of the meeting. The essence of supplementary questions and responses will be recorded but supplementary questions and answers do not have to be recorded verbatim.

**Question 14: Should there be a timescale for answers? and if so what should be the maximum time allowed?**

**Answers:**

An answer may take the form of:

A direct oral answer; or

Where the desired information is in a publication of the Council or other published work, a reference to that publication; or

Where a reply cannot conveniently be provided orally, a written answer circulated later to the questioner, with a copy of the response being circulated to all councillors.

A person to whom a question is addressed may decline to answer provided that they state the reason for declining to answer.

There will be no discussion / debate on any answer given.

No more than ?? minutes will be allowed for a response to any one question.

Any Councillor may move that a matter raised by a question be referred to the Cabinet or appropriate committee for consideration. Once seconded such a motion will be voted upon without discussion.