

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

1. Background:

- 1.1 As a result of a motion and debate at Council on 20th January 2016 it was resolved:
1. to empower the Democratic Services Committee to look at ways in which public participation operates successfully across Wales.
 2. to explore options for introducing public participation and make proposals aimed at introducing a system to allow members of the public to contribute in council meetings.
- 1.2 A review has been undertaken of what happens in Councils in Wales and it has been established that 11 of the 22 County Councils allow public questions at Council meetings. Of the three National Park Authorities [NPAs] Snowdonia and Brecon Beacons NPAs allow public questions at authority meetings.

Powys Protocol:

Time Allocated for Supplementary Public Questions:

- 2.1 A maximum of 20 minutes will be allowed for the section of the agenda dealing with public questions during Ordinary Full Council meetings only.
- 2.2 The public question session will be undertaken as the first substantial item of business at the beginning of an Ordinary meeting of the Full Council.
- 2.3 Questions can only be addressed to the following:
- (a) A Cabinet Member;
 - (b) A Chair of a Committee.
- 2.4 Any person (other than Members) who resides, works or studies in the area of the Council may ask a question of those listed under Rule 2.3 above at Ordinary Meetings of the Full Council.

Public Consent:

- 2.5 As Full Council meetings are webcast and agendas of Council are open to the public (except for the consideration of confidential information), **any person submitting a question will (in submitting the question) be deemed to have given their consent to take part in a meeting which is being broadcast to the public and any information submitted will be made public on the Council's website.**

Notice and Number of Questions:

- 2.6.1 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, 10 Working Days before the day of the meeting. Each question must give the name and address of the questioner (otherwise it will be

Comment [WR1]: Should we have a generic democratic services email address for these questions?

rejected) and must specify the person to whom it is to be put (by name or title).

- 2.6.2 At any one Full Council meeting no person may submit more than 1 question. Each element of multi-part questions will be treated as a separate question.
- 2.6.3 A person may only submit 2 written questions in total during a Council year (May to April)
- 2.6.4 Where a question is accepted for inclusion on an agenda of a Full Council meeting, the requestor will be notified of the date and time that their question will be considered by the Full Council, and they will be invited to attend that meeting.

Scope of Questions:

2.7.1 The Chair of the Council 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 (where the Council's complaints process should be utilised); 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.

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

2.7.3 Responses to rejected questions will be dealt with in accordance with Rule 2.12 below.

Comment [WR2]: Should this be a question raised by a member of the public or could it apply to ANY question to Council, including those from members?

Order of Questions:

- 2.8 Questions will be asked in the order in which notice of them was received, except that the Chair may group together similar questions. The Chair has discretion to vary the order in which questions are asked.

Recording of Questions:

- 2.9 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.
- 2.10 A copy of the question will be sent to the Councillor to whom it is to be put.
- 2.11 A copy of the written response to the question submitted will be open to public inspection and circulated to Members prior to the meeting.
- 2.12 Rejected questions will not be open for inspection. The person whose question is rejected will be advised in writing of the decision to reject the question together with the reasons the question was rejected.
- 2.13 Any accepted questions which are not included on the next available Full Council agenda for consideration will be placed on the following available Full Council agenda unless the requestor has indicated that the question no longer needs to be asked.
- 2.14 All questions accepted will receive a written response whether the requestor attends a Full Council meeting or not. All questions receiving a response will be included in the calculation towards the total number of questions which can be asked in a year in Rule 2.6.3)

Process for Initial Questions Submitted and Accepted:

- 2.15 A question which has been submitted in writing will be recorded on the agenda together with a written response. Therefore there will be no requirement for the requestor to read out the question at the meeting or for the person responding to read out their response.
- 2.16 There will be no discussion / debate on any answer given.

Process for Supplementary Public Questions at the Meeting:

- 2.17 A questioner whose question is on the agenda may attend the meeting and also ask 1 supplementary question without notice to the Member who has replied to the original question.
- 2.18 Prior to asking the supplementary question, a person who has been invited to the meeting will sit in the public gallery until they are called by the Chair of the Council.
- 2.19 When invited by the Chair, the person to ask the supplementary question will move to the seat allocated for this purpose where a microphone will be available.
- 2.20 The maximum time limit for asking a supplementary question to be asked will be 1 minute.
- 2.21 The person responding to the supplementary question will have a maximum of 4 minutes to respond.
- 2.22 A supplementary question must relate to the original question or the answer given, and the Chair may reject a supplementary question on any of the grounds set out in Rule 2.7.1.

Comment [WR3]: If the supplementary relates to another Cabinet Member is this allowed e.g. question on roads and supplementary is about funding?

- 2.23 If the questioner is absent from the meeting then the original question and response will be noted and there will be no opportunity for the questioner to ask a supplementary question at a later time.
- 2.24 If the Councillor to whom the question has been put is unable to attend the meeting, the response to the supplementary question will be by means of a written answer.
- 2.25 Any supplementary question not asked because of insufficient time, will be answered in writing with a copy of the answer included in the minutes.
- 2.26 Once the person has completed their 1 supplementary question and received the response they will move to the public gallery or leave the meeting room.

Answers:

- 2.27 An answer may take the form of:
- (i) A direct oral answer; or
 - (ii) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - (iii) 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.
- 2.28 A person to whom a question is addressed may decline to answer provided that they state the reason for declining to answer.
- 2.29 There will be no discussion / debate on any answer given.

Record of Debate:

- 2.30 Questions asked under this protocol and the replies to the questions will be recorded in the minutes of the meeting.
- 2.31 The essence of supplementary questions and responses will be recorded but supplementary questions and answers do not have to be recorded verbatim.