

Warwickshire and West Midlands Association of Local Councils

(Affiliated to the National Association of Local Councils)



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GOOD PRACTICE NOTE

PUBLIC PARTICIPATION AT PARISH AND TOWN COUNCIL MEETINGS

Members of the public have a legal right to attend meetings of a parish council and its committees, except where they are excluded (by a resolution of the meeting) for specific items which need to be discussed in confidence, for example, staffing matters or tenders for contracts. (Public Bodies (Admission to meetings) Act 1960 s1(2) as amended by s100 of Local Government Act 1972)*. They have no legal right to speak at meetings of the council or its committees. However as part of its community engagement a good parish council will set aside time for public participation at meetings. The Chairman should manage this session just as he manages the remainder of the parish council meeting.

It is not a good use of time for members of the public to complain about hedges, street lights, pot-holes and so forth during public participation. A good council will have an easy way for people to contact the clerk about such issues so the participation is best used for issues where a decision will or could be made by the council, or for comments on items already on the agenda.

Principal authority councillors have no special rights at local council meetings, but it may be courteous to set aside time as an agenda item for them to report on current issues.

It is undesirable to allow members of the public to speak throughout the meeting as this runs the risk of confusing the roles of councillors, who participate in the meeting, and members of the public who observe it.

Managing the Public Session

A specific time should be set aside for public participation and standing orders should say that the time will not exceed XX minutes, with individual contributions being limited to YY minutes. If there is a possibility that a large number of people will wish to speak, the chairman could encourage people not to repeat comments made by earlier speakers, or even ask for a single representative to be appointed. Even a large number of people will run out of original things to say quite quickly.

It is up to the council when to allow public participation. A good place is near the start of the meeting immediately after declaration of interests, and dispensations granted, so that everyone is aware if a member has a disclosable pecuniary interest.

Neither councillors nor the clerk should feel under pressure to respond immediately to comments made during public participation other than those which relate to items on the agenda. A comment could be referred to the clerk to write to, or meet the speaker, or could form the basis for an agenda item at a future meeting. Members of the public do not have a right to force items onto the council agenda but a good council will want to respond to public concern in some way.

A council could make available to members of the public a guidance note on public participation at the meeting, and post it on web sites. A sample note is given at the end of this note, which should be adapted to the ethos of the council.

Public Disturbances

The public have a legal right to attend council and committee meetings but they don't have a right to disrupt them. Members of the public should not heckle or otherwise disrupt and should respect the rulings of the chair. The Chairman should cut an interrupter short and should not argue with them or allow argument with them. If good humour and conciliation fail to produce silence he may have to warn him that he will be turned out if he does it again. If the warning is ignored it should be resolved without discussion that the interrupter be excluded and if he fails to leave he should be removed. It is unwise for anyone except a police officer or PCSO to try to exclude someone physically and this could give rise to court action. The public have a legal right to be present so excluding one or more of them should be a last resort. Alternatively if there is serious disorder the chairman could adjourn the meeting for a short time to allow people to calm down. If the clerk or chairman knows that a meeting will be very contentious the police could be asked to attend. Disorderly members of the public cannot be excluded from future meetings, nor can they be required to apologise before attending future meetings.

Minuting the Public Session

Comments made during public participation should be (very briefly) minuted, there is certainly no need for a verbatim record. The names of members of the public who speak should not be minuted unless the person concerned requests it. Libellous, offensive and discriminatory comments should not be minuted as the council is liable for what is in its minutes even if someone else said it.

Press

The press are in a privileged position in that its representatives legally have a right to attend meetings, however they may be excluded from a meeting at the same time as the public.

*See separate Good Practice Note "When the Public can be Excluded from Meetings".

Public Participation at Council Meetings

GUIDANCE NOTES FOR MEMBERS OF THE PUBLIC

Council welcomes the involvement of the people of to its Meetings which are open to the public.

The following procedure applies-

- Questions and presentations of petitions by electors registered within the Parish of shall be allowed on matters affecting the Council at the beginning of each meeting of the Council or Committee.
- The question should be relevant to the business of the Council or Committee.
- Questions to the Council (Planning) Meeting shall be relevant to a specific item/s on the Agenda.
- The period allowed for questions and the presentation of petitions shall not exceed xxx minutes except with the consent of the Council or Committee.
- Questions need not be submitted in advance in writing, but questions presented in that form are more likely to receive a detailed reply and shall be taken first.
- Each individual questioner and presenter of a petition shall be restricted to a total of 3 minutes.
- Questions shall be directed to the Chairman of the meeting who may request another Member or the Clerk to reply.

Answers to questions may take the form of:

- A direct oral response
- When the desired information is contained in a publication, reference to that publication
- When it is more convenient to do so, a written answer subsequent to the meeting
- Every question shall be put and answered without discussion although the questioner shall be permitted to ask one supplementary question relating to that question.
- Questions shall not be permitted that relate to the individual affairs of either the questioner or any other named person but should only relate to matters of policy or practice, i.e. matters of general rather than individual concern.
- The Chairman of the meeting shall disallow any question that is, in his opinion, scurrilous, improper, capricious, irrelevant or otherwise objectionable.

If you are unclear on any aspect of the above, please contact the Clerk, Address etc

Clerk to the Council