

Council Procedure Rules

Section 4 – Public Participation

Contents

Petitions, Question Time and Public Comments - Rules

Explanatory Note – petitions, public comments and questions

The public may make representations at meetings in three ways:-

1. Question time – the first 30 minutes of committee and sub-committee meetings are reserved for question time. Members of the public may send in a written question about two weeks before the meeting and the Chairman will answer the question at the next meeting;
2. Petitions – If a group of residents are concerned about a Council service or a decision that is about to be made, they may send the Council a petition.
3. All petitions relating to the work of the Environment Sub-Committees will first be considered at the relevant Residents Forum unless the Democratic Services Manager considers otherwise having regard to Paragraph 2.4. of this Section considers that reference to another body is appropriate.

All other petitions will be reported to the relevant body.
4. Public comments – If a group of residents are concerned about a decision that is about to be made, they may nominate someone to speak on their behalf to the committee or sub-committee dealing with the matter, or at a residents forum. They may also speak about planning applications at the Area Planning Sub-Committees or residents forums.

Council Procedure Rules

Explanatory Note – petitions, public comments and questions

Area Sub-Committees and Forums

The Council has a number of Environment Sub-Committees covering different areas of the borough, together with residents forums. The Environment Sub-Committees make decisions on local issues, except planning issues (*see area Planning Sub-Committees below*). The purpose of the residents forums is to consult and involve local people in local issues.

Where there is a need to consult local people on a particular issue before the Environment Sub-Committee makes a decision, the residents forums will be the main consultative mechanism. Therefore, all public comments, petitions etc will normally be considered at the residents forum and, when an issue is to be considered by the Environment Sub-Committee a summary of the Forum's views will be reported to the Environment Sub-Committee before it makes its final decision. All members of the Sub-Committee and Ward Councillors will also be members of the Residents Forums.

In this way, the Residents Forum will be able to consider the collective views of a particular area. Unless circumstances have changed significantly, it will be rare for the Environment Sub-Committee to consider further representations from individual members of the public once it has heard the collective views of local people at an Residents Forum meeting.

There will also be a number of other mechanisms for consulting the public on policy issues and about reviews of services.

Area Planning Sub-Committees

Each area will also have an Area Planning Sub-Committee which will consider local planning applications. Normally, the sub-committee will consider individual representations on planning applications but occasionally planning issues may be considered by the forum.

Council Procedure Rules

Explanatory Note – petitions, public comments and questions

Cabinet and Cabinet committee meetings

Question Time

The ability for the public to ask Questions of the Leader or the Cabinet Member chairing the meeting applies to meetings of the Cabinet and its Committees. Therefore the provisions set out in paragraphs 2, 4, 6.1(ii), - 6.4, 7.1.1, 7.1.2 and 7.2, will apply.

Speaking at Cabinet Meetings –

The provisions set out in paragraph 5 of these Rules do not apply. However, the Leader (or in the Leader's absence the member chairing the Cabinet) and the Chairman of a Cabinet Committee has discretion to issue invitations to members of the public to speak at Cabinet and Cabinet Committee meetings where he or she considers it appropriate upon application.

Application should be made to the Leader's Office at the Town Hall, Hendon, NW4 4BG by 10am on the second working day before the day of the meeting.

Petitions relating to Executive matters, other than those falling within the Terms of Reference of the Area Environment Sub-Committees will be reported to Cabinet.

Note on the Conduct of Licensing Hearings

All Hearings relating to the Authority's functions under the Licensing Act 2003 and Gambling Act 2005 will be conducted within the framework and requirements of the Hearings Regulations made by the Secretary of State under that Act. It should be noted that the Act and Regulations make detailed provision for the hearing of representations in relation to licensing applications which will apply in the conduct of this Authority's licensing hearings. Accordingly, such hearings, and are excluded from the following procedure rules relating to public participation in Council Committees and Sub-Committees.

Petitions, question time and public comments - rules

1. Application and Excluded meetings

1.1 These Rules do not apply to :

Council Procedure Rules

- The Council meeting, The Council acting as Licensing Authority, the Licensing Committee (except where the committee is dealing with policy items or other matters not involving the hearing or review of determinations under the Licensing Act 2003 or Gambling Act 2003) or the Licensing Sub-Committee
 - Appeals Committee
 - Chief Officers Appointments, Investigating and Disciplinary Panels
 - Standards Committee when dealing with reports or hearings concerning complaints of a breach of the Members Local Code of Conduct.

1.2 For application of these Rules to meetings of Cabinet and its Committees, see the Explanatory note above.

2. General rules

2.1 The matter must be relevant to the relevant body's powers and duties or to the borough.

2.2 Any matter that may involve the disclosure of exempt or confidential information will be considered in private session (*as defined in the Access to Information Procedure Rules in Part 4 of the Constitution*).

2.3 The following may not be considered:

2.3.1 requests from or in connection with the aims and activities of a political party;

2.3.2 if the matter would result in the release of information to which the public does not have access, and which would prejudice effective enforcement action of any kind;

2.3.3 any matter, except in relation to a planning application, where there is a right of appeal against any decision of the Council, whether to a Council appeals committee or panel, the courts, a tribunal, a review body or a government minister;

2.3.4 matters which are defamatory, abusive or offensive;

2.3.5 submissions from any legal or professional representatives acting as such (except on planning applications – Rule 5.14).

Council Procedure Rules

- 2.3.6 requests from council employees or their trade unions on employment matters, all of whom have other processes for accessing decision takers.
- 2.3.7 With respect to General Functions Committee:
- (i) Reports presented to the General Functions Committee by the Trade Unions must have previously been presented and concluded at CJNCC.
 - (ii) The Chairman will have the discretion to invite Trade Unions to comment on reports.
 - (iii) If the Trade Unions mention an issue that has not been debated at CJNCC, then the Chairman has the authority to send the report back to CJNCC so it can be thoroughly and openly discussed.
 - (iv) Where there is a failure to agree on a report between the employer side and the trade union side, the trade union will be invited to present their rationale in a report to General Functions Committee. Trade Unions will be invited to answer questions on their report by Councillors. (Ref. Para 8.17 – Constitution of the CJNCC).
- 2.3.8 requests from Members of the Council, Members of Parliament, the member for the GLA and members of other public bodies except at the discretion of the Chairman of the body who may give consent where he or she considers it appropriate. Where the Chairman exercises such discretion, the speaker will speak in addition to any of those members of the public speaking in accordance with the provisions of Rule 3.
- 2.4 If the relevant committee or sub-committee has established a forum or other consultative body, the Democratic Services Manager may decide that the consultative body should consider the matter first. If so, the consultative body shall consider the petition, joint letter or hear any public comments or questions and the committee or sub-committee shall consider a written summary.

Council Procedure Rules

Explanatory Note – Members of the Council Speaking at Planning and Environment Committee

There are separate rights for ward members to address the committee on planning applications – see Council Procedure Rules, Section 2 – Committees and Sub-Committees 9.3

3. Petitions and joint letters and procedure

- 3.1 Any petition or joint letter signed by 25 people or more who live or have businesses in the borough will be submitted to the next meeting of the committee or sub-committee or forum within whose terms of reference it falls, together with an officer's report.
- 3.2 Petitions or joint letters must be delivered to the Democratic Services Manager. If a member or officer of the Council receives a petition or joint letter, he or she must pass it immediately to the Democratic Services Manager. The Democratic Services Manager will arrange for the relevant Chief Officer to report the petition or joint letter to the next ordinary meeting of the relevant committee, sub-committee or forum.
- 3.3 The Democratic Services Manager shall notify the lead petitioner of the method by which the petition will be dealt with,

4. Public question time and procedure

- 4.1 Anyone who lives or has a business in the borough may ask the Leader or Cabinet Member chairing the meeting of the Cabinet or Cabinet Committee, or Chairman of any committee, or sub-committee, a question on any matter within its terms of reference. Questions will be dealt with strictly in order of receipt, but a second question submitted by an individual (other than a supplementary question permitted under Paragraph 4.8) will not be dealt with until all first questions submitted from members of the public have been dealt with. Similarly a third question from an individual will not be dealt with until all "second questions" have been dealt with and so on. This Rule does not apply to Council meetings.
- 4.2 Public questions may not be considered:
 - 4.2.1 on any matter which has been the subject of a decision by the Council or any committee, or sub-committee in the previous six months, unless there has been a material change in the circumstances;

Council Procedure Rules

- 4.3 The time allowed for questions to the Leader, appropriate Cabinet Member or Chairman shall be limited to 30 minutes or a maximum of 20 questions, whichever occurs first.
 - 4.4 The Leader, appropriate Cabinet Member or Chairman shall reply in writing to any questions not dealt with at the meeting within 14 working days from the date of the meeting.
 - 4.5 Questions must be asked and answered without discussion, but the Leader, appropriate Cabinet Member or Chairman may decline to answer a question and his/her decision shall be final.
 - 4.6 The Leader, appropriate Cabinet Member or Chairman will normally decline to answer any question, which is about an individual or which is about current or imminent litigation.
 - 4.7 An answer may take the form of:-
 - 4.7.1 a direct oral answer; or
 - 4.7.2 a written answer to the questioner where information is in a publication or a reply cannot be given orally.
 - 4.8 The questioner may ask one supplementary question to the original question. These do not count towards the limit of 20 questions.
 - 4.9 The Democratic Services Manager shall send copies of all written replies and the questions to which they relate to all members of the committee for information. The number of questions that the Leader, appropriate Cabinet Member or Chairman has answered or declined to answer will be recorded in the minutes.
- 5. Public comments at meetings and procedure**
- 5.1 Any committee or sub-committee may consider allowing anyone who lives or has a business in the borough or is affected by a decision to talk to it on matters within its terms of reference. This must relate to an item of business being considered by the committee or sub-committee.
 - 5.2 No more than four persons shall be heard on any single item of business or topic (including any person applying for consent or permission of any kind).
 - 5.3 Public comments and questions may not be considered:

Council Procedure Rules

- 5.3.1 on any matter which has been the subject of a decision by the Council or any committee, or sub-committee in the previous six months, unless there has been a material change in the circumstances;
 - 5.3.2 on any matter where public comments have previously been made to a parent committee, sub-committee or committee and it was known at that time by those making comments that the matter would be referred to another committee or Council for a decision, unless legally necessary;
 - 5.3.3 from any person applying to the Council for consent or permission of any kind, except in response to public objections.
- 5.4 Where a person wishes to speak, in accordance with Constitutional requirements, on a matter which is already before the committee for decision, the speaker shall always have the opportunity of being heard before a decision is reached on the item.
 - 5.5 If more than four requests to speak have been received and approved, or three requests for items defined under Rule 5.12 being considered by the Planning and Environment Committee or two requests for an item being considered by an Area Planning Sub-Committee, those wishing to speak will be asked to agree amongst themselves which of them should address the committee. If they are unable to agree, the Committee will decide which people they shall hear with a preference for those representatives who wrote in earliest. An applicant retains the right to respond to objectors' oral representations.
 - 5.6 If a named speaker is unable to attend the Committee he or she may nominate a substitute to speak on his or her behalf, provided details of the substitute is notified to the Democratic Services Manager prior to the meeting.
 - 5.7 The Chairman, who may vary the order of business, will determine the order in which public comments are to be heard at any meeting.
 - 5.8 The representative of the public shall speak immediately following the officers' presentation of the item of business, to which the comments relate.
 - 5.9 Where public comments relate to an application, the applicant will have a right to reply immediately after the public comments.

Council Procedure Rules

- 5.10 Each speech shall be limited to a maximum of five minutes, save for any time spent in replying to questions put by members. The speaker shall be allowed to speak without interruption, except to be advised of time or to be stopped from making defamatory, abusive or offensive comments. Any response from an applicant shall be limited in the same way.
- 5.11 Following all the speeches, any response from applicants present and any questions which may be put by members, the committee or sub-committee shall proceed to debate and determine the item of business under consideration and shall not hear any further representations or comment from any speaker or applicant.

Additional Rules for planning applications and confirmation of Tree Preservation Orders only

- 5.12 The following additional rules apply to public comments on planning applications and confirmation of Tree Preservation Orders at the Planning and Environment Committee or an Area Planning Sub-committee.

For the purposes of this section a planning application is defined as an application for planning permission as defined by the Town and Country planning Act 1990, as amended, but also includes applications for approval of reserved matters, Listed Building and Conservation Area Consents and consent under Tree Preservation Orders and Hedgerow legislation.

- 5.13 Each speech shall be limited to a maximum of three minutes.
- 5.14 In respect of a planning application reported to the Planning and Environment Committee for decision a maximum of four speakers shall be allowed. Otherwise a maximum of three speakers shall be allowed. In either case this will include where there are objectors the applicant or the applicant's representative named on the planning application or the person who submitted the application or an employee of the applicant or a person (other than a legal or professional representative acting as such) speaking on behalf of the applicant with the applicant's permission", except:
- 5.14.1 multiple applications for the same site shall be treated as one application for public speaking purposes and a maximum of four speakers if considered by the Planning and Environment Committee or three speakers if considered by an Area Planning Sub-Committee, including the applicant or their representative, shall be permitted on the applications combined;

Council Procedure Rules

5.14.2 where the applicant does not wish to speak the number of speakers shall be restricted respectively to three speakers at Planning and Environment Committee and otherwise two speakers only.

5.15 Where the applicant is not a named individual ie a company, trust, place of worship, school or residents' association, only a Bona Fide representative of the organisation will be allowed to speak. As far as Residents' Associations are concerned officers of the Residents Associations or local residents who qualify as members of the Residents' Association may address the Committee.

5.16 Where the Sub-Committee has decided to refer a decision to a parent committee or the parent committee to the Sub-Committee only those speakers who addressed the Committee which originally considered the planning application will be entitled to address any subsequent Committee which determines that application

6. Procedure for requests to speak and ask questions

6.1 Any request to speak at a meeting (other than on a planning application – see below) and the reasons for it, or a question (exact wording), must be received by the Democratic Services Manager, in writing,

- (i) in the case of requests to speak, by no later than 10am on the 2nd working day before the day of the meeting;
- (ii) in the case of questions, by 10am on the 7th working day before the day of the meeting.

The request or question must be delivered by post, hand, fax or e-mail.

6.2 The Democratic Services Manager shall decide the appropriate body that should consider the request or question and shall approve the requests to speak under delegated powers. If a named speaker is unable to attend the Committee he or she may nominate a substitute to speak on his or her behalf, provided details of the substitute is notified to the Democratic Services Manager prior to the meeting.

6.3 As soon as is practicable before the meeting, the Democratic Services Manager shall notify any person wishing to speak or to ask a question of the date of the Cabinet, Cabinet Committee, committee, sub-committee or panel or forum where it will be considered.

6.4 Notification for planning applications only

Council Procedure Rules

The request to make comments on a planning application shall be received, in writing. The request must be received by post, hand, fax or e-mail, by the relevant area planning officer no later than 10 am on the second working day before the day of the meeting.

The area planning officer shall inform the person who submitted the planning application and those wishing to make comments of the date of the meeting at which the application will be considered and representations are to be heard.

- 6.5 The Democratic Services Manager shall approve the requests to speak under his delegated powers.

If a named speaker is unable to attend the Committee he or she may nominate a substitute to speak on his or her behalf, provided details of the substitute are notified to the Democratic Services Manager or any Democratic Services Officer before the start of the meeting.

7. Circulation of questions and requests to make comments

- 7.1 Details of the questions to be asked at the meeting will not be set out on the agenda.

Questions

Three clear days before the meeting the Democratic Services Manager shall:

- 7.1.1 circulate written details of any questions to be asked to members of the Cabinet, Cabinet Committee, committee or sub-committee; and
- 7.1.2 place copies on deposit for public inspection.

Requests to make comments

On the working day before the meeting the Democratic Services Manager shall:

- 7.1.3 circulate, via e-mail, details of any requests to speak at the meeting to members of the committee or sub-committee; and
- 7.1.4 place copies on deposit for public inspection.

Council Procedure Rules

- 7.2 Where a matter relates solely to a particular ward the Democratic Services Manager shall invite the members for that ward to the meeting at which the public comments will be heard, if practicable. This invitation will be delivered by e-mail. This Standing Order does not apply to questions.