



# **Lyneham and Bradenstoke Parish Council**

## **Public Participation**

### **Version 2**

Adopted on the

11<sup>th</sup> February 2020

(To be reviewed annually)



## **Rights to attend a meeting and participate**

Meetings of the Parish Council are not public meetings, but members of the public have a statutory right to attend meetings of the council as observers.

Members of the public have no legal right to speak unless the Parish Council Chair authorises them to do so.

However, as part of its community engagement, Lyneham and Bradenstoke Parish Council sets out a time for public participation near the beginning of its meetings when members of the public are invited to speak.

Members of the public will not be involved in the decision-making of the Council. The Council should not make any instant decisions at the behest of members of the public on items that are not included in the agenda. As a matter of best practice, the public forum will be kept separate from the debate of the councillors.

If matters raised are not on the agenda for the meeting these can be used to form part of the agenda for a future meeting at the discretion of the Council.

Members of the public are welcome to stay for the Council meeting after the public session as observers but will not be able to join in the discussion unless invited to do so by the Chairman.

## **Questions from Parishioners Guidelines**

- All people present will act respectfully towards every other person, including parish councillors, present and will not act in a manner that demeans, insults, threatens or intimidates any other person.
- All statements, questions and responses, challenges to statements, complaints or criticisms must be made politely.



- All statements, questions and responses must be related to the facts of the matter and not be personal in nature. There should be no reference to personal views on any person.
- The Chair will decide in which order matters will be heard.
- Public Participation is an opportunity for members of the public to:
  - make representations,
  - answer questions
  - give evidence relating to the business to be transacted.
- The Chair will decide whether an immediate response will be given at the meeting or to respond to the matter in writing. Written responses will be provided within 10 working days.
- Notwithstanding the above paragraph, the Chair may agree with the person raising the question or point, that the response may be made at the next Parish Meeting. This is important if more than 10 days would be required to answer the question.
- Each member of the public is entitled to speak once in respect of each matter and for a maximum of 3 minutes, with 15 minutes being allocated overall for the questions from parishioners' section. (These limits may be extended at the discretion of the Chair.)
- Written statements or questions must be received by the Clerk at least 3 days prior to the meeting. Exceptionally, the Chair may agree that statements may be given to the Parish Clerk at the meeting.
- Questions, comments and responses will be Minuted. Members of the public who participate in this section of the agenda must specify their name and address to confirm their residency within the parish.
- If a member of the public is not prepared to disclose their credentials, the question can be forwarded in writing to the parish council.



- Neither Chair nor the Clerk should be put under pressure to respond immediately to comments made under public participation.
- Members of the public do not have a right to force items onto the council agenda nor to insist on how matters are recorded in the minutes.
- Libellous, offensive and discriminatory comments will not be Minuted.
- Questions must relate to the business of the council, be a matter for which the council has responsibility or related to the well-being of the parish.
- Parish councillors may ask any member of the parish council and any chair of a committee of the parish council any question relating to the business of the council. Such questions may only be asked at ordinary meetings of the council.
- The chair, or clerk, may reject a question, or a supplementary question, if:
  - it is not about a matter over which the council has responsibility,
  - it is defamatory, frivolous, abusive
  - it is substantially the same as a question which has been put at a meeting of the council in the past 6 months
  - requires the disclosure of confidential or exempt information.
- Where a question has been rejected a letter will be sent to the questioner setting out the reasons for the rejection.
- If any person submits more than one question at any meeting, only their first question shall be asked and answered. If after all other questions have been asked and answered there is sufficient time available, the Chairman of the Council may ask the questioner(s) to ask their further question(s) in such order as the Chairman determines.



- The Chairman has the discretion to alter the order in which questions are asked.

## Exclusion of the Press and Public

Members of the public may be excluded by a resolution of the parish council for specific items which need to be discussed in confidence (e.g. staffing matters, tenders for contracts, some legal issues).

An exclusion will be indicated on the agenda thus:

*"EXCLUSION OF MEMBERS OF THE PUBLIC AND PRESS*

*The Motion "in accordance with the provisions of Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 the press and public be excluded from the meeting by reason of the confidential nature of the business to be transacted".*

*The exempt session is to discuss xxxxx.*

The exclusion is normally for one or more items and is normally notified in advance on the Parish Meeting Agenda.

However, under very limited circumstances, the public may be excluded from an entire meeting.

## Removal of a Member of the Public

Though it is rare, there are regrettably times when members of the public behave in a manner that is deemed offensive, discriminatory, disruptive or may even threaten or become violent.

Any member of the public who behaves in this manner will be requested to leave the meeting, and the meeting will be stopped until that member of the public has been removed.

If necessary, the police will be called.



If at a later time or the meeting is reconvened and it happens again, then the Chair will seek advice to enable the meeting to take place with total exclusion of the public.

## Recording of a meeting

Councils and other local government bodies are required to allow any member of the public to take photographs, film and audio-record the proceedings, and report on all public meetings.

A person may not orally report or comment about a meeting as it takes place if they are present at the meeting of a parish council or its committees but otherwise may:

- Film, photograph or make an audio recording **during** a meeting
- Use any other means for enabling persons not present to see or hear proceedings at a meeting as **it takes place or later**;
- Report or comment on the proceedings in writing during or after a meeting or orally report or comment **after the meeting**.

While no prior permission is required to carry out this activity, it is strongly advisable that any person wishing to film or audio-record a public meeting inform all attending for the sake of transparency and legality. This also allows all necessary arrangements can be made for the public meeting.