

PART IV - SCHEME FOR PUBLIC PARTICIPATION AT COUNCIL AND OTHER MEETINGS

81. DETAILS OF SCHEME

81.1 Why have a Scheme?

The Council is a democratic body elected to serve the people of Tewkesbury Borough.

The Council wishes to encourage the public to take an interest in local democracy. The Council will give the public the opportunity to tell Councillors directly at the meetings about things that concern them.

All issues raised by the public under this Scheme will be given careful consideration.

Whilst it will not be possible in every case to resolve an issue to the satisfaction of everyone, the Council is committed to a process that ensures the issue is fairly considered.

81.2 What can the public do?

The Council has a Scheme for Public Participation at Planning Committee (as appended) which enables people to speak at Planning Committee meetings. In addition, the public may use the Council's Scheme of Public Participation to make a submission to meetings of the Council or its Executive Committee (See 81.9 below) in one of the following ways.

81.3 Petition

The Council has a Petitions Scheme (as appended) and petitions will be considered in accordance with that Scheme.

81.4 Question

To ask a question of the relevant Member at a Council or at the Executive Committee meeting. Questions must concern a matter of general interest to taxpayers of the Borough, e.g. policy decisions.

81.5 Statement

To make a statement to the Council or to the Executive Committee meeting about a Council service, about something the Council has or has not done, or about a matter of local interest or concern. Statements must concern a matter of general interest to taxpayers of the Borough, e.g. policy decisions.

81.6 Deputation

To present to a Council or to the Executive Committee meeting a deputation calling for action by the Council, registering a view about something the Council has or has not done, or making a position statement about a matter of local interest or concern.

A deputation will normally be made on behalf of an organised community group, organisation or body of interest. Deputations must concern a matter of general interest to taxpayers of the Borough, e.g. policy decisions.

81.7 Who can use the Scheme?

The Scheme is open to any resident of the Borough of Tewkesbury who must be present at the meeting at which the Question, Statement or Deputation is presented.

This Scheme is also open to a representative of a business or voluntary organisation operating in the Borough of Tewkesbury, provided that the representative is present at the meeting at which the Question, Statement or Deputation is presented.

81.8 At which Meetings may Submissions be made?

Any submission under this Scheme may be made at any ordinary meeting of the Council or at any meeting of the Executive Committee. Submissions at the Annual Meeting or any Extraordinary meeting must relate to an item on the Agenda.

The purpose of submissions is to assist the decision-making process.

The Planning Committee has its own Scheme for Public Participation.

81.9 Executive Committee

Information on the individual areas of responsibility of the Executive Committee can be obtained from Democratic Services at Tewkesbury Borough Council Tel: 01684 272021/ Email: democraticservices@tewkesbury.gov.uk / visit the website www.tewkesbury.gov.uk

81.10 Period of Notice

Members of the public wishing to use this scheme must give advance written notice to the Executive Director: Resources and S151 at least three clear working days before the meeting (excluding Saturdays, Sundays, public holidays, the day of publication and the day of the meeting). This will ensure that time is available to prepare advice for the meeting, for an individual Councillor or for the person making the submission. The deadline will be 5.00pm on the relevant date.

81.11 What the Notice should contain

The written notice must describe what form of submission is to be made and any question must be set out in full.

81.12 Relevance to Council

In the case of a submission the content must be about something that is within the Council's responsibilities. This includes matters relating to Council services and matters of concern to Tewkesbury Borough people who wish their Council to pursue the matter or exercise community leadership. The matter must be of general interest rather than individual personal grievance. Certain matters fall outside the scheme and these include those set out in 81.20.

81.13 Named Individuals

The notice must identify the name of the individual who will be making the presentation. This will enable the Chair of the meeting to introduce the individual to the meeting. The individual's name will not normally be included in the Minutes of the meeting.

81.14 Advice on Content

The Executive Director: Resources and S151 will be available to give advice to the public about the content of their submissions and the process.

The Executive Director: Resources and S151 will also give advice to the Council on such matters as are necessary.

81.15 Support for Public

The prospect of speaking at a formal meeting of a local authority may be daunting for the public. Every help and support will be made available to those who wish to use this Scheme, including the reading out of the submission if the member of the public requests.

The Council offices are accessible for those with a disability and we are happy to make adjustments with advanced notice of any individual requirements.

Councillors will receive members of the public with courtesy and understanding.

81.16 Time Limits

No individual submission will be allowed more than five minutes time at a meeting. This Rule will be strictly enforced in fairness to all those who wish to address the meeting. Any questions that are not dealt with within the time limit will receive a written response.

The overall time allowed at a meeting to hear submissions from the public is 30 minutes. However, the Chair of the meeting may exercise discretion to allow more time if he/she feels the circumstances warrant this. This will take into account the issues to be raised in the submissions and the other business of the meeting.

81.17 Questions on Submissions

It is necessary for Councillors to have a complete understanding of the issues raised in a submission from the public. Councillors will be allowed to ask only factual questions of the person making the submission.

81.18 Written copies of Submission

To assist understanding, those making statements or deputations to meetings will be asked to provide a written text or summary of the points mentioned. This should be passed to the Executive Director: Resources and S151.

81.19 Action the Meeting may take

If the subject matter of the submission is already on the Agenda for the meeting, the meeting may agree to refer the submission for consideration when that item on the Agenda is reached.

If necessary, and convenient to the other business, the Chair, or the meeting itself, may agree to advance that item in the order of proceedings.

In other cases, the matter will either be noted or the relevant Officer(s) will be asked to present a report to a future meeting.

The meeting will decide on the most appropriate course of action and will take advice from Officers in doing this.

In respect of statements and deputations, the Council may pass the matter to the appropriate Committee for consideration.

81.20 What falls outside the Scheme?

There are some matters that need to fall outside the scope of this Scheme. These include:

- an individual's circumstances where it would be inappropriate for details to be aired in public;
- applications for legal permissions or consents where alternative procedures exist; e.g. applications for Licences, Building Control, Planning Permission etc;
- matters which are, or should be, subject to established appeals procedures or which have been decided by an appeal hearing e.g. Housing and Council Tax benefits, planning refusals, enforcement matters, etc;
- the Local Plan/Local Development Framework which has an alternative statutory procedure for dealing with objections and appeals;
- the Community Infrastructure Levy Charging Schedule which is subject to a statutory consultation procedure.
- matters which are the same or substantially the same as that put at a previous meeting of the Council, unless circumstances relating thereto have materially changed;
- matters where the answer would involve the likely disclosure of exempt or confidential information;
- allegations against individual Councillors or Officers;
- individual applications for grant aid;

- any breach, or potential breach, of legislation e.g. individual cases of enforcement, or potential enforcement, arising from a breach, or possible breach, of planning control, disputes between individuals i.e. neighbours etc; and
- Extraordinary/Special meetings or the Annual meeting of the Council unless the matter relates to an item of business on the Agenda.

81.21 Outside the Public Interest

The Chief Executive and the Executive Director: Resources and S151 in consultation with either the Chair and Vice-Chair of the Executive Committee or the Mayor and Deputy Mayor (subject to there being no conflict of interest), shall have the right to refuse to accept questions/submissions etc. that do not appear to be in the general public interest.

81.22 Disorderly Conduct

The Council shall have the right to determine that a person participating in this Scheme shall be not heard for a specified period of time should that person's conduct in addressing the Council be of a disorderly manner.

82. GENERAL INFORMATION

In addition to these arrangements, members of the public are welcome to attend at Council and Executive Committee meetings where open business is discussed.

All meetings will be held, wherever possible, in accommodation that has reasonable access and seating for the public. Sound enhancement equipment will be provided where practicable.

Tewkesbury Borough Council supports the principles of openness and transparency and allows recording at its meetings that are open to the public, subject to the provisions of the Protocol on Recordings at Meetings as set out in Part 5 of this Constitution.

Agenda papers can be inspected at least five clear working days before the meeting and will be made available to those attending meetings. These, and the Minutes of the meeting once they have been approved, may be inspected at the Council Offices and on the Council's website for a period of six years.

A member of the public has the right, should he/she be dissatisfied with any action or decision taken by the Council, to make a formal complaint under the authority's Complaints Procedure. Should the member of the public remain dissatisfied after an internal investigation then he/she has the right to make a complaint against the authority to the Local Government and Social Care Ombudsman.

In making a submission to the Council under the Scheme of Public Participation, members of the public will be expected to behave with decorum.

Questions will be put to the Council in the order that notice of them was received.

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