



Saxilby with Ingleby Parish Council

Non-confidential

Review of the Public Participation Session

Report to: Full Council 23-10

Report by: Clerk

Power/duty which decision falls under: Local Government Act, 1972 and Public Bodies (admission to meetings) Act 1960

Which council objective(s) it falls under:
Procedural

Consideration on carbon reduction:
N/A procedural

Public Sector Equality Duty (*Consider or think about how policies or decisions affect people who are protected under the Equality Act*)
Meetings are open to all, in an accessible building

This paper explores ways available to undertake public participation sessions, as a basis for the council to agree a process going forwards, following procedural challenges at meetings during 2023.

Currently the public participation session is held before a council meeting and then noted above the minutes on the minutes document. This has created confusion as to whether the session is part of the meeting (and minutes) or not.

How to respond to questions from members the public is not always consistent – for example whether to provide a response from the chair, the officer, or other councillors; whether to add to the next meeting agenda; or whether to note. The result if this is that members of the public do not always feel listened to, and councillors do not feel there is consistency.

Providing the opportunity to review, discuss, and agree the public participation session will maintain a consistent approach going forwards and seek to prevent further obstructions of progressing council business at meetings, due to challenges received. Having a clearer process will also facilitate improved community engagement.



Background

Meetings are open to the public by law, unless their presence is prejudicial to the public interest.

The public has no right to participate in a council meeting.

A local council may make standing orders for the regulation of their proceedings and business (Local Government Act 1972, Sch 12 para 42). This includes giving members of public permission to speak. This is normally within a public participation session.

Practice varies from council-to-council with public participation sessions as to whether they are held or not, whether it's included within the agenda or held before a council meeting, and whether the meeting is suspended if it is within the agenda.

Good Practice

Consensus from SLCC and NALC (see Appendix 1) is that it is good practice for councils to:

1. To hold public participation sessions
2. Set aside time for the public to make statements and ask questions
3. Have a fixed time period for each member of the public when speaking in a session

NALC – Public participation is on the agenda, forms part of the meeting, is included within the minutes, the chair manages the session, uses standing orders to regulate the session

SLCC - Public participation is on the agenda, uses standing orders to regulate the session, the chair manages the session, is included in the minutes **OR** public participation session is held before the meeting, separate notes kept of the session, which are not part of the minutes, ground-rules agreed for the session, and how the council will respond to questions e.g. add to next agenda or provide a written response.

LALC guidance suggests the public participation session is held before the meeting.



Discussion

It is clear from guidance that holding a public participation session is good practice.

Recommendation 1: Saxilby with Ingleby Parish Council continues to hold a public participation session.

Currently a public participation session is held before nearly all council, committee, and working group meetings in order to facilitate community engagement. Attendance of members of the public is normally limited to full council and planning committee. NALC recommend holding the sessions at meetings where members of the public are likely to attend, which in council's case is full council and planning committee.

Recommendation 2: Public participation sessions are held for full council and planning committee, with terms of reference to state if public participation sessions are held for committees or working groups, if so requested by the committee/working group going forwards.

Currently when members of the public raise questions regarding topics not on the agenda, information may not be readily available to provide a satisfactory response. This results in the session being counter-productive and creating dissatisfaction with community engagement. NALC and SLCC guidance recommend the sessions are held in respect of the items on the agenda, with alternative methods being available to raise other questions or issues.

Recommendation 3: Public participation sessions are with respect to items on the agenda only.

Recommendation 4: Where a member of the public wishes to communicate about business relating to an item not on the agenda it is proposed (as per NALC guidance) they communicate with the council in alternative ways e.g. by written correspondence to the clerk or attending councillors' surgeries held monthly at the village hall.

Standing orders currently contain items relating to the public participation session. This has been amended from the NALC template ones over time.

It is good practice for standing orders to include ones on public participation to enable the session to be effectively managed by the chair.

Recommendation 5: Standing Orders revert to the standard public participation ones and are used to manage the sessions.

Sessions can either be held before a meeting and notes held separately or sessions can be included in the meeting – being included on the agenda and then minuted. Either approach can create challenges. Based on the guidance available on the matter, perhaps including the session within the



agenda and regulating it with standing orders could be tested as an approach. If challenges arise it can then be brought back to council to re-consider.

Recommendation 6: Include the public participation session within the agenda and minute accordingly.

Model standing orders state members of the public may “make representations, answer questions and give evidence.” Followed by “a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.”

Based on the above, and model standing orders, further clarity on the process is required for councillors and members of the public. It is proposed the following agenda item is included at each relevant meeting:

Recommendation 7: Define the public participation agenda item

Public participation session with respect of business on the agenda only

- i. **To note a question, representation, or statement from member(s) of public**
No discussion or debate will take place on any representation or statement made. The council may discuss the comments when it formally considers that item of business, debates the matter, and makes a decision on the matter.



Recommendation 8: Provide guidance online and at meetings (see below):

PUBLIC PARTICIPATION SESSION INSTRUCTIONS

The public participation session is for business on the agenda only

Relevant Standing Orders

Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

The period of time designated for public participation at a meeting shall not exceed **15** minutes unless directed by the chair of the meeting.

A member of the public shall not speak for more than **three** minutes.

A question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.

A person who speaks at a meeting shall direct his/her/their comments to the chair of the meeting.

Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.

A person shall raise his/her/their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chair of the meeting may at any time permit a person to be seated when speaking.

When directed to speak by the chair please stand and state:

1. Your Name
2. Your organisation (if relevant)
3. The agenda item the statement or question refers to
4. If it a statement or question
5. Read out your statement/question

Your statement or question will be noted by the council.

No discussion or debate will take place on any representation or statement made.

The council may discuss the comments when it formally considers that agenda item, debates the matter, and makes a decision on the matter.

If your question or comment does not relate to an item included on the agenda it will not be heard. Members of the public may wish to communicate about business which is not included on the meeting agenda in alternative ways e.g. contacting the clerk (01522 703912 / clerk@saxilbyparishcouncil.co.uk) or attending the monthly council surgery at the village hall.



Council invitees to speak on an agenda item

Further clarification may be required around this aspect, if the standing orders are not felt by council to be clear.



Recommendations:

Council approves the recommendations laid out above.



Appendix 1:

Public Participation in Council Meetings Guidance

Clayden (2013) Arnold-Baker on Local Council Administration, 9th ed, pp56:

“Many local councils set aside a period when the public can ask questions or even make statements. This is an excellent practice [as long as the period is defined, and it is clearly understood that the public must not take part at any other time.](#)”

NALC LTN 5E (2022) Parish Council Meetings [England], pp9 para 42:

“[When the public attend meetings, including attending remotely if the council so permits, they have no right to participate in them, unless permission is given. It is good practice for councils to set aside time \(e.g. 15 or 20 minutes\) at meetings for the public to make statements and ask questions.](#) It is advisable for a council to permit public participation at meetings of the full council (and the meetings of committees) that are likely to be of most interest to the public e.g. a planning committee. Where members of the public are attending remotely a council should ensure that they can remotely contribute to the public participation. Councils are recommended to adopt standing orders to structure public participation sessions and may refer to NALC’s model standing orders 3e-h. Standing orders may confirm that public participation at a meeting is restricted to items of business on the agenda for the meeting. Members of the public who wish to communicate about business which is not included in the agenda for a meeting may communicate with the council in alternative ways e.g. by written correspondence or attending councillors’ surgeries.

43. Where a council permits the public to participate at a meeting, this session:

- a) is included as an item in the agenda
- b) forms part of the council meeting in law;
- c) is managed by the Chair of the meeting;
- d) is documented in the minutes of the meeting;
- e) may permit a councillor to speak on a matter in which they have an interest that is not a disclosable pecuniary interest (DPI) which they are otherwise not permitted to speak about at the meeting;

44. Section 31 (4) of the 2011 Act provides that a councillor with a DPI in a matter being discussed during the public participation session of a meeting cannot speak on the matter unless they have obtained a dispensation.

NALC (2013) Local Councils Explained: A NALC Publication pp106-107:

“[Members of the public have no statutory right to speak at a meeting of the council, its committees or sub-committees. A council might want to give those who are in attendance an opportunity to speak.](#)”

A council may in standing orders [set aside a short part of its meetings \(e.g. 15 minutes\) for the public \(and press\) to ask questions or give views on the business on the agenda for the meeting. The part of the meeting where the public can speak is known as the public participation session.](#) It enables members of the public and the media (see above) to raise issues and to seek answers to questions about the council’s activities and decisions. If the public has had an opportunity to “have



its say” at meetings or has used the public participation session to gain a better understanding of the role and limitations of the council or the meeting in certain matters (e.g. commenting on planning applications...) this will often benefit a council. The standing orders of a council will confirm if public participation is permitted at any meeting or only at some meetings...Standing orders should be used to regulate the purpose or nature of the permitted public participation. This may range from only allowing the public to ask questions, to allowing the public to make statements and representations.”

SLCC Local Council Governance Toolkit [online]

“Agenda management...

Public questions, comments or representations

The council may have arrangements for hearing members of the public. [Your Standing Orders should ensure that this is limited to a fixed timescale for each person to speak for no more than, say, 3 or 5 minutes](#), and for the matter to be formally referred to a committee, or to be placed on the agenda of the next meeting, or responded to by the Clerk, or simply noted, so that there is no discussion at the meeting on a matter for which there has been no prior notice on the agenda.”

SLCC Local Council Governance Toolkit [online] [Continued...]

“1.5 Order of Business for Ordinary Parish Council Meetings

1.5.1 At ordinary meetings of a parish council, business will usually be dealt with in the following order:

Record of Members present;

Record of apologies from Members unable to be present;

Declarations of interests (existence and nature) with regard to items on the agenda;

Formal announcements from the Chair;

Agreeing the minutes of the last meeting and signing them;

[Public participation session with respect to items on the agenda;](#)

Any business remaining from previous meetings;

Any appointments of committees;

Any appointment of members of the council to other bodies;

To receive recommendations from committees (recommendations of committees must be included in full on the agenda for the council meeting). Normally only one recommendation may be discussed at a time, but the Chair may allow 2 or more recommendations to be discussed together where this is conducive to the efficient conduct of business;

To receive business motions from Members;

Other business placed on the agenda (e.g. authorisation of orders and payments, to consider internal auditors and external auditors reports).

Note

The first 3 items are always taken first as matters of procedure.

Announcements from the Chair should be limited to formal matters relating to the conduct of the meeting rather than any substantive discussion of business on the agenda.

If the council does not have a public participation session (which is good practice) then it can make provision for members of the public to submit written questions to the council in time for when the agendas are sent out. The council is not obliged to respond to the written questions at the meeting. A more considered written response to the person who asked the question may be more appropriate.

If there is a public participation session, the Chair will need to effectively control the question time to allow members of the public [to speak].



1.6 Public Participation Sessions

Pursuant to the Public Bodies (Admission to Meetings) Act 1960, the public have a statutory right to attend meetings of a parish council and its committees. **Importantly they have no right to participate in a meeting, unless permitted to do so by the Council.** Permitting the public to contribute at council meetings is an effective mechanism for community engagement.

Once a parish council has resolved that public participation sessions will be incorporated in their meetings, Standing Orders are required to regulate the conduct and duration of the sessions. Standing Orders need to limit the time that individuals speak (no more than 5 minutes per person would be sensible). A maximum of 20 or 30 minutes could be allowed for public questions and comments to be raised. In the absence of such Standing Orders, a public participation session could be unregulated. This could disrupt the meeting from dealing with the business on the agenda and may also cause the meeting to overrun.

Standing Orders should restrict public participation to items of business on the agenda. Parish councils should not make immediate decisions on comments and representations made by the public, but they can be considered when the council formally considers that item of business, debates the matter and then makes a decision on that matter.

No discussion should take place on any question put or comment made. Where practical, the Chair may respond to the question or indicate that a written response will be made. There may be instances when comments made by the public would be better addressed and considered at a later meeting, or at the meeting of a particular committee, as they may not have all the relevant information to make a valid decision.”

SLCC (2019) Guidance Note: Meetings - Drafting the Notice, Summons, Agenda and Minutes

“Public Participation Sessions

Many councils give members of the public an opportunity to address the council and to raise issues of local concern. This is a useful way for councillors to hear directly from their local electors **and it will often be convenient to hold these sessions immediately before a council meeting. The Clerk should keep a brief note of any key points arising from the session, especially if there are issues which may need to be included on the agenda for a future council meeting. (Notes of a separate public participation session will not form part of the minutes of the council’s own meeting.)** It may also be sensible to set out in advance some ground-rules as to the time allowed for each contributor to speak and for the whole session.

If councils include public participation sessions within their own meetings, great care must be taken to ensure that members of the public do not appear to be participating in the council’s discussion of agenda items or deciding council business. If the public participation session is included in the agenda for the council meeting, standing orders should make it clear that public participation is limited to addressing the councillors and there should be a limit on the time allowed for this activity. If the public participation session is on the council’s agenda and therefore part of the meeting, the clerk will have to include a brief note of it within the minutes.”



SLCC (2023) Council Meetings: Public Participation

ANI47 - Council Meetings: Public Participation

“Many local councils allow the public, under standing orders, to ask questions at a meeting of the council or committee for a set period, such as 30 minutes. This encourages local interest in the proceedings of the council, and greater transparency.”

SLCC (2019) Guidance Note: Public Participation

“We are being encouraged to allow a public question-time and to place this on the agenda of council meetings. On what legal basis can the public participate in our business?

Members of the public take their authority from the procedures you adopt for the running of the meeting. Your procedures operate on the basis of statutory provision: a local council may make standing orders for the regulation of their proceedings and business (paragraph 42 of Schedule 12 to the Local Government Act 1972).

Clearly, adopting a procedure for public participation is a matter of local choice (albeit in the knowledge that the provision of a participative session is a requirement for those councils seeking quality accreditation).

Throughout the country, all types of councils allow the public to engage with them at meetings, subject of course to necessarily [strict rules concerning speeches, time-limits and subject-matter and all subject to the control of the Chairman in the conduct of the meeting](#). These include public question-times, the making of representations on planning applications and in licensing proceedings, the receipt of evidence in overview and scrutiny committees and in many other instances. [These people are, of course, invitees who are assisting the council in its processes. Members of the public are not, however, taking part in a deliberative or decision-making sense. Public participation therefore needs to be properly managed and structured in a way that has a clear beginning and end.](#)”

NALC (2022) Template Standing Orders Related to Public Participation

- a. [Meetings shall be open to the public](#) unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public’s exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public’s exclusion.
- b. Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- c. [The period of time designated for public participation at a meeting in accordance with standing order 3\(e\) shall not exceed \(\) minutes unless directed by the chair of the meeting.](#)
- d. Subject to standing order 3(f), a member of the public shall not speak for more than () minutes.
- e. In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.
- f. [A person shall stand when requesting to speak and when speaking (except when a person has a disability or is likely to suffer discomfort)] OR [A person shall raise his/her/their hand when requesting to speak and stand when speaking (except when a person has a disability



or is likely to suffer discomfort)]. The chair of the meeting may at any time permit a person to be seated when speaking.

- g. A person who speaks at a meeting shall direct his/her/their comments to the chair of the meeting.
- h. Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.

Saxilby with Ingleby Parish Council Standing Orders V7.9 [Online].

Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.

e) Members of the public or an organisation may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

f) The period of time designated for public participation at a meeting in accordance with Standing Order 1e above shall not exceed 15 minutes unless directed by the Chairman of the meeting.

g) Subject to Standing Order 1f above, each member of the public or organisation shall not speak for more than three minutes. If more than one member of public wishes to speak on the same topic, then they should nominate one person on their behalf. This will avoid duplication and make best use of the public participation period. Neither councillors nor the clerk should be put under pressure to respond immediately to comments made under public participation. All persons present will act respectfully towards those present and will not act in a manner that demeans, insults, threatens, or intimidates. All statements, questions and responses, challenges to statements, complaints, or criticism should be made politely and with respect in-line with the civility and respect pledge.

h) In accordance with Standing Order 1e above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given and may call on a councillor or officer to respond. There should be no debate or discussion between the council and the public.



LALC: August 2013 LALC Good Practice Agenda

XXXXXXXXXXXXXXXXXX PARISH/TOWN COUNCIL

Dear Councillor

You are hereby summoned to attend the next meeting of 'X' Parish Council, which will be held on 'Y' commencing at 7.30 pm in the Village Hall on Main Street, The business to be dealt with at the meeting is listed in the agenda. If you are unable to attend please notify me of your apology. **There will be a 15 minute public forum between 7.15 and 7.30 when members of the public may ask questions or make short statements to the Council, and your attendance is also requested during this period.**

Signature..... Clerk to the Council

Date

Summons to each Councillor's home - must be on Council letter heading

AGENDA

1. Chairman's remarks
2. Apologies for absence and acceptance of any reasons given
3. To receive any declarations of interest in accordance with the requirements of the Localism Act 2011 and to consider any requests for dispensations
4. Notes of the last meeting held on..... to be approved as the minutes
5. Clerk's report on matters outstanding
6. Financial matters:
 - a. Financial report
 - b. Funding for new playground adjacent to the Village Hall
 - c. To resolve that payment of £640.00 be made to Jones and Co for supply of a new bench outside the Village Hall
7. Planning matters: Application no. 567/12 – erection of a new bungalow on the spare land adjacent to 57 Acacia Avenue
8. Correspondence:
 - a. To note general correspondence as per attached list
 - b. Letter from Forest District Council requesting nomination of a parish council representative to serve on the new area Community Forum
 - c. Letter from a parishioner complaining about the anti-social behaviour of young people in the bus shelter
9. To receive reports from representatives on outside bodies
10. To resolve on whether the Council will move into closed session to consider the following two confidential staffing and legal matters in accordance with the Public Bodies (Admission to Meetings) Act 1960. Should this resolution be passed the public and press will be required to leave the meeting at this stage
11. To receive a report on the clerk's annual performance and agree any actions resulting from this review
12. To agree the council's response to the letter from Small and Co. Solicitors in connection with a recent accident on the playing field



Examples: Maplethorpe Town Council hold a public forum before the meeting and do not record items raised within the minutes

MABLETHORPE & SUTTON TOWN COUNCIL
Mablethorpe Library & Community Access Point
Stanley Avenue, Mablethorpe
Tel: 01507 613644

18th July 2023

NOTICE IS HEREBY GIVEN, and Members are summoned to attend the meeting of Mablethorpe & Sutton Town Council to be held at Mablethorpe Library and CAP, Stanley Avenue, Mablethorpe on **Monday 24th July 2023 at 7.00 p.m.**

Prior to the commencement of the meeting there will be a public forum for a maximum of 10 minutes when members of the public may ask questions or make short statements to the Council.

A maximum of 10 minutes will be set aside for the meeting to receive brief reports of the Police and elected members of Lincolnshire County Council and East Lindsey District Council (oral, tabled and as attached)

There will be prayers or other religious observance, which will last approximately five minutes. Anyone not wishing to participate may leave the room at this time.

Steve Fletcher

S Fletcher
Town Clerk

AGENDA

Sleaford Town Council include it within the agenda and record it in the minutes accordingly:
Agenda:

To: All Members of Sleaford Town Council

You are hereby summoned to attend a meeting of Sleaford Town Council to be held at the **Town Hall, Quayside House, Navigation Yard, Sleaford** on **Wednesday 31st May 2023 at 7:00pm** for the purpose of transacting the following business.

AGENDA

- 1. CHAIRMAN'S WELCOME**
To welcome members and others to the meeting
- 2. APOLOGIES**
To receive apologies for absence and to approve reasons for absence
- 3. DECLARATION OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS**
(a) To receive disclosures by members of any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and any other relevant interests under the Members' Code of Conduct.
(b) To receive and decide upon requests for dispensations to councillors to take part in discussions and votes where they have declared disclosable pecuniary interests
- 4. PUBLIC PARTICIPATION SESSION**
(a) To receive a representation from a member of the public regarding Sunday trains
(b) To receive questions, comments, and suggestions for items for further consideration by the Town Council from Members of the Public
- 5. DISTRICT AND COUNTY COUNCILLORS REPORT**
To receive updates on the work of North Kesteven District Council and Lincolnshire County Council from any district or county councillors present

Minutes:



There were no requests for dispensations.

23.78 PUBLIC PARTICIPATION SESSION

(a) REPRESENTATION FROM MEMBER OF THE PUBLIC REGARDING SUNDAY TRAINS

The member of the public who had requested to speak regarding Sunday trains was not present. It was agreed to contact him to arrange for him to speak to a future meeting of the Council.

RESOLVED: That the member of the public be invited to speak to a future meeting of the Council.

(b) QUESTION, COMMENTS, AND SUGGESTIONS FOR ITEMS FOR FURTHER CONSIDERATION BY THE TOWN COUNCIL FROM MEMBERS OF THE PUBLIC

A Member of the Public asked that the condition of the Cemetery be investigated. She felt that the borders were now overgrown, grass left unmown, bins overflowing and the stench from the ditch was overwhelming. She explained that she tended her son's grave, but many people were not able to tend the graves of their loved ones. The Town Clerk offered to arrange a meeting with her and members of the Council on site to discuss the issues raised.

RESOLVED: That a meeting with the member of the public at the cemetery be arranged soon and that all members of the Council be invited to attend.