

SECTION 10 - PUBLIC PARTICIPATION PROCEDURE RULES

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1.0 Introduction

Democratic Services administer the public participation arrangements as set out below. Any requests/enquiries should be submitted to Democratic Services democraticservices@Swale.gov.uk or 01795 417330.

Where there is provision for public speaking at meetings, Members with a prejudicial interest may speak however they do have to leave the meeting after they have spoken and cannot listen to the debate or observe the vote. The Code of Conduct is set out in Part 5 of the Constitution.

2.0 Deputations and Petitions

Every deputation wishing to be received by the Council, the Executive, a Scrutiny Committee, Panel or Group shall give reasonable notice in writing to Democratic Services. The Council shall decide whether such deputation shall be received and, if so, whether at that or a subsequent meeting.

The notice of deputation shall state the nature and objects of the deputation which must relate to local government matters concerning the Borough.

No deputation shall exceed six in number and except with the express consent of the Mayor or Chairman, no more than two members may address the meeting, except in reply to questions put by Members. The total time allowed for a deputation to address the meeting, other than time allowed for questions, shall not exceed 15 minutes.

Any petition received, relevant to some matter in which the Council has powers or duties, shall be referred to the next meeting of the Council, Executive, Scrutiny Committee, Panel or Group as appropriate with a report from the relevant Officer as necessary.

3.0 Council - Asking Questions

Members of the public may ask questions of Members of the Executive at ordinary meetings of the Council, subject to it being put in writing to Democratic Services no later than 4.30 pm on the Friday before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Executive to whom it is to be put.

Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions.

At any one meeting no person may submit more than one question and no more than two such questions may be asked on the same topic.

The Director of Corporate Services may reject a question if it:

- (i) is not about a matter for which the local authority has a responsibility or which affects the borough within the context of the power of "wellbeing";
- (ii) is defamatory, frivolous or offensive;
- (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or

(iv) requires the disclosure of confidential or exempt information.

Each question will be open to public inspection and will Democratic Services will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.

The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicating that a written reply will be given or decide, in the absence of the questioner, that the question will not be taken.

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds that the Director of Corporate Services can, as set out above.

Any question which cannot be answered during public session, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be answered by a written reply.

Unless the Chairman decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Executive, a Scrutiny Panel, Committee, Forum, Group or Panel as appropriate. Once seconded, such a Motion will be voted on without discussion.

4.0 Hackney Carriage and Private Hire Vehicles Committee

There will be a question time at each meeting for Swale's Taxi and Private Hire Vehicle Operators to raise issues/ask questions. Thirty minutes will be taken between 7.00 pm and 8.00 pm at the Chairman's discretion.

5.0 Licensing Committee

Members of the public will have the opportunity to speak at meetings of the Licensing Committee in accordance with the procedure set out below.

Anyone wishing to present a petition (related to an item included on the agenda) or speak on an application or item which is due to be considered at a meeting of the Licensing Committee is required to register with the Democratic Services by noon on the day before the meeting.

Only one person will be allowed to speak in each of the following categories. The right to speak will be allocated within the categories on a "first come first served" basis: -

- (a) Applicant
- (b) Objector

At the meeting, applications on which the public have registered to speak, will usually be moved forward in Agenda item order and considered before applications which do not have any registered speakers.

Members of the public who have registered to speak will be invited to do so in the order set out above for each application, and will have a maximum of three minutes to make their statement. The right to speak does not give the opportunity to ask questions or participate in the Committee's decision and determination of a Licensing application.

6.0 Local Engagement Forums (LEF)

Each Local Engagement Forum will include a public session as part of the meeting to give the public an opportunity to raise oral or written questions on any matters falling within the remit of the LEF.

In the half hour before the start of the meeting, LEF Members and Officers will be available to discuss informally, either collectively or on a one-to-one basis, any matters which may be raised by the public present.

7.0 Planning Committee

Members of the public will have the opportunity to speak at meetings of the Planning Committee in accordance with the procedure set out below.

Anyone wishing to present a petition (related to an item included on the agenda) or speak on an application or item which is due to be considered at a meeting of the Planning Committee is required to register with Democratic Services by noon on the day before the meeting. In the case of the Planning Committee, only one person will be allowed to speak in each of the following categories. The right to speak will be allocated within the categories on a "first come first served" basis: -

- (a) Parish or Town Council representative
- (b) Supporter
- (c) Objector
- (d) Applicant

At the meeting, applications on which the public have registered to speak, will usually be moved forward in Agenda item order and considered before applications which do not have any registered speakers.

Members of the public who have registered to speak will be invited to do so in the order set out above for each application, and will have a maximum of three minutes to make their statement. The right to speak does not give the opportunity to ask questions or participate in the Committee's decision and determination of an agenda item or Planning application.

PLEASE NOTE: There is no right to speak on applications that are being determined under the Minutes of the Planning Working Group as members of the public will have had the opportunity to speak on these applications at a previous meeting of the Planning Committee and at the Planning Working Group meeting.

8.0 Rural Forum

Each Rural Forum meeting will include a public session, commencing at the start of the meeting, or earlier or later subject to the discretion of the Chairman of the meeting.

During public session, a member of the public living in the Borough of Swale who shall identify himself, may make a statement, submit a petition, or ask the Chairman any question on any matter on which the Council has powers or duties, in respect of

rural matters. No questions or statements relating to a personal dispute shall be allowed nor shall a question be answered that calls for the disclosure of confidential or exempt information.

Questions submitted in writing to Democratic Services at least three clear days before the meeting shall be addressed first, in order of receipt.

Questions or statements shall be read at the meeting and shall not last for more than three minutes. An answer from the Chairman may take the form of:-

- (a) a direct oral answer or
- (b) be in writing

Where any question raised at the meeting without prior notice cannot be answered at that meeting, a written response will be sent to the member of the public, as soon as practicable.

The Chairman shall have discretion to allow appropriate numbers and statements on the same topic.

9.0 Scrutiny Committees

Members of the public are welcome to attend Scrutiny Committee meetings and take part in scrutiny reviews, subject to the consent of the Chairman. Please refer to the Scrutiny Procedure Rules regarding co-option and attendance at meetings.

10.0 Swale Joint Transportation Board

Members of the public will have the opportunity to speak at meetings of the Swale Joint Transportation Board in accordance with the procedure set out in below.

Anyone wishing to present a petition (related to an item included on the agenda) or speak on an application or item which is due to be considered at a meeting of the Swale Joint Transportation Board is required to register with Democratic Services by noon on the day before the meeting.

In the case of the Swale Joint Transportation Board, only two people will be allowed to speak on each item and each person is limited to asking two questions. Questions that have not been submitted in accordance with the procedure above will not be accepted.

At the meeting, applications on which the public have registered to speak, will usually be moved forward in Agenda item order and considered before applications which do not have any registered speakers.

Members of the public who have registered to speak will be invited to do so by the Chairman at the appropriate time and will have a maximum of three minutes to make their statement. The right to speak does not give the opportunity to ask questions or participate in the Board's decision and determination of an agenda item.