

ISLE OF ANGLESEY COUNTY COUNCIL	
Committee:	Democratic Services Committee
Date of Meeting:	27 November, 2018
Title:	Public participation in meetings
Purpose of the Report:	To make recommendations to Council
Author:	Head of Democratic Services

1.0 Background

The County Council resolved on 25 September to refer the following Notice of Motion to the Democratic Services Committee for consultation:

“The Constitution of Anglesey County Council should be amended to allow motions to be discussed at full Council meetings that have been proposed by members of the public and supported by the signatures of 50 individuals who live on the Isle of Anglesey”.

This motion deals with a motion being raised by the public where it is supported by 50 other individuals and this Committee is requested to consider the following observations:

The Council Procedure Rules (paragraph 4.1. of the Constitution) do not include provision for motions to be submitted by members of the public.

The Constitution does include provisions for Members to submit questions (4.1.12) and motions (4.1.13 and 4.1.14)

There is also provision for the receipt of petitions by full Council, from elected Members on behalf of the public (4.1.11) and any received in this way will be referred to the relevant Committee or Executive for consideration, in circumstances where the content of the petition does not relate to a matter which is already on the agenda of that ordinary Council meeting.

Elected members are able to raise questions, submit motions and submit petitions to the Council meetings which are presented to them by members of the public.

Enquires have been made with other Authorities in Wales to ascertain whether provision exists in their Constitutions for allowing motions to be submitted by the general public. Of the responses received all have confirmed that there are no arrangements for the public to submit motions. None of the North Wales authorities allow a motion to be raised by members of the public, apart from elected members.

It is the view of the Monitoring Officer that no such provisions exist because members of the public have no legal standing to directly submit notices of motion for debate in full Council, expecting elected members to represent their views and to submit motions/questions and petitions on their behalf; including at their specific request.

However, it is noted that some North Wales Authorities do have provision for members of the public to raise questions at Council meetings, subject to certain criteria being satisfied, for example this applies to Flintshire County Council (see Enc.1) and Denbighshire County Council (see Enc. 2)

Some of the North Wales Authorities that have provision for members of the public to raise questions at Council meetings explained that this right had never been used. On this basis, it is fair to consider that the presence of such provision in the Constitution may have limited results; if the intention is to increase public participation in Council meetings.

Based on the information in this report the following options are presented to enable the Committee to make recommendations to the Council on the 11 December, 2018.

2.0 Recommendations:

1. To either maintain the status quo or
2. Instruct officers to devise a scheme that enables members of the public to submit written questions in advance of meetings of the full Council; such a detailed scheme to be considered first by the Democratic Services Committee and then by the Executive before final constitutional changes are approved (or not) by the full Council.

Huw Jones
Head of Democratic Services
14 November, 2018

Enc. 1

Flintshire Council - Public Speaking arrangements in Full Council

Questions are restricted to matters relating to Flintshire and/or the services provided by the Council.

A person may only submit one question for consideration at any Public Question Time, but one supplementary question will be allowed in each case.

Questions will not be accepted which relate to:-

- Judicial or quasi-judicial matters;
- Matters under investigation
- Individual planning, license or grant applications or appeals;
- Named officer or member of the Council;
- Confidential or exempt information as described in the Access to information Procedure Rules or requires its disclosure
- Party political matters;
- Defamatory material
- Substantially the same issue as a question put within the past 6 months. Questions will not be accepted from Member and Employees of the Council

Questions must be submitted in writing and received no later than 12 noon on the seventh day before Question Time.

Enc. 2.

Denbighshire County Council - *Attached is an extract from the standing orders on this issue.*

4.18 Questions by the Public

4.18.1 General

- (a) Members of the public may ask questions of Members of the Cabinet at ordinary meetings of the Council.
- (b) The total time allocated for questions by the public should be limited to 30 minutes.

4.18.2 Order of Questions

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

4.18.3 Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Head of Legal HR and Democratic Services no later than midday 2 working days before the day of the meeting. Each question must give the name and address of the questioner.

4.18.4 Number of Questions

At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.

4.18.5 Scope of Questions

The Head of Legal, HR and Democratic Services may reject a question if it:

- (a) is not about a matter for which the Council has a responsibility or which affects the County;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (d) requires the disclosure of confidential or exempt information.

4.18.6 Record of Questions

- (a) The Head of Legal, HR and Democratic Services will maintain a record open to public inspection and will immediately send a copy of the question to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection.
- (b) Copies of all questions will be circulated to all Councillors and will be made available to the public attending the meeting.

4.18.7 Asking the Question at the Meeting

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

4.18.8 Supplementary Question

A questioner who has put a question in person may also put one supplementary question without notice to the Councillor who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chair may reject a supplementary question on any of the grounds set out in Rule 4.18.5 above.

4.18.9 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer.

4.18.10 Reference of Question to the Cabinet or a Committee

Unless the Chair 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 Cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion