

Extract of Part 4 of the Constitution – Public Participation

Statements

24. Up to three speakers are permitted to speak for up to 3 minutes each on any agenda item although this may be extended at the Chairman's discretion.
25. Those wishing to make a statement must register to do so at least 10 minutes prior to the meeting by contacting Democratic Services.
26. Statements must be relevant to the powers and duties of the council and be clear and concise. A statement must not:
 - be defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper
 - relate to any non-determined planning or licensing application
 - name or identify individual service users, members of staff or members of staff of partner agencies

Questions

27. At ordinary meetings of council, questions can be asked of the Chairman of Council, members of cabinet and Chairmen of committees, or chairmen of Committees (at committee meetings). The total time set aside for such questions and answers will be limited to 15 minutes which can be extended at the Chairman's discretion.

Notice of questions

28. No person or organisation may submit more than two questions at any one meeting. No question may be sub-divided into more than two related parts.
29. Questions must be delivered in writing or by electronic mail to the Proper Officer no later than 5pm four clear working days before the meeting. This means that for a meeting held on a Tuesday, questions must be received by 5pm Tuesday of the preceding week (less any intervening bank holiday). The period of notice is to allow sufficient time for a response to be formulated.
30. In exceptional circumstances and in cases of urgency the Chairman may allow questions without the full period of notice having been given where he or she is satisfied there is sufficient justification. In these circumstances, there is no guarantee that a full reply will be given at the meeting.
31. Notice of each question must include the name and address of the questioner, (in respect of an organisation, the name of the organisation and the questioner's position within the organisation) and to whom the question is to be put.

Scope of questions

32. The question must be relevant to the powers and duties of the council and be clear and concise. A question will be rejected where it:
 - does not relate to a matter for which the local authority has a responsibility or which affects the council's administrative area

- is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper
 - relates to any non-determined planning or licensing application
 - requires the disclosure of confidential or exempt information
 - names or identifies individual service users, members of staff or members of staff of partner agencies
 - is considered by the Chairman to be inappropriate for the particular meeting.
33. The Chairman's ruling on rejection of a question will be final following consultation with the Monitoring Officer.
34. Where a question is rejected on the above grounds, the questioner shall be advised of the reasons for rejection. Time permitting the questioner will be given an opportunity to submit an amended question that will be considered afresh against the criteria in paragraph 32. For the avoidance of doubt, questions amended in this way, must be delivered within the timescale referred to at paragraph 29 above.

At the meeting

35. Questions will be dealt with in order of receipt subject to the Chairman's discretion to group together questions on the same or similar subject.
36. The Chairman may choose to take questions as read. However, if a questioner wishes to ask his or her question at the meeting, he or she will be given up to three minutes to ask each question. If the questioner prefers, the question may be asked on his or her behalf by his or her local division member if the local division member consents to this. If the questioner is not able to be present at the meeting and has not made arrangements for someone else to ask the question, the Chairman may ask the question on the questioner's behalf or indicate that a written reply will be given.
37. Subject to time constraints, questions which are submitted by the deadline will be answered at the meeting. However, the Chairman in consultation with the Monitoring Officer may refer a question to officers for a direct written response if they consider the question can be most appropriately handled in that way. Where a question is dealt with in this way, the questioner will be advised of this and provided with a response where possible within five working days of the meeting copied to all members of the council.
38. The relevant member of the Council or another member on their behalf will aim to provide a response in advance of, or at, the meeting and this will be followed up by a written copy of the response being sent to the questioner where possible within five working days of the meeting. Where it is not possible to provide a response at the meeting, a written response will be sent to the questioner where possible within five working days of the meeting.
39. Any questions which cannot be dealt with during the time allocated for

questions will be dealt with by a written response sent to the questioner where possible within five working days of the meeting and copied to all members of the council.

Supplementary questions

40. For each question submitted, the questioner will be permitted to ask one supplementary question without notice which must be relevant to the original question or arise from the response given. The Chairman may reject the supplementary question on the grounds listed in paragraph 32 above (reasons for rejection). The person to whom the question has been put or another member on their behalf, shall answer the supplementary question if he or she is able to do so at the time. If this is not possible, a written response will be provided to the questioner where possible within five working days of the meeting.

Form of response

41. A response may take the following forms:

- a direct oral answer,
- where the answer is contained within a publication of the council or in any report or minutes by reference to those documents
- a written reply

No debate on questions

42. Ordinarily, no debate shall be allowed on questions presented or responses given. In exceptional circumstances only, the Chairman may allow discussion. No decision can be made arising from a question other than to refer it to council, cabinet or a committee by way of a motion which shall be moved, seconded and voted on without discussion.

Circulation of questions and responses

43. Upon receipt, copies of questions will be circulated to the Chairman and Vice-Chairman, Leader of the Council and to the member of council to whom the question is to be put and any other relevant councillors.

44. Copies of questions received in accordance with these rules will be provided to all councillors or members of the committee as appropriate prior to the meeting.

45. Copies of responses where available, will be circulated to councillors two days before the meeting unless this is not possible due to exceptional circumstances.

Record of questions

46. The minutes of the meeting shall record the name of the questioner (in

respect of an organisation, the name of the organisation and the questioner's position within the organisation), the subject matter, and the name of the person replying.

Application at Planning Committees, Cabinet and Area Boards

47. In respect of public participation at the Strategic Planning Committee and Area Planning Committees, please refer to the Planning Code of Good Practice for Members of Wiltshire Council Protocol. (Protocol 4 to this constitution)
48. In respect of public participation at Cabinet meetings, please refer to Part 7- Cabinet Procedure Rules.
49. In respect of Area Boards where public engagement is welcomed and encouraged throughout the meeting, please refer to any procedure rules and guidance as issued from time to time by the Leader.