

## CYNGOR SIR POWYS COUNTY COUNCIL

Democratic Services Committee  
3<sup>rd</sup> July, 2017

**REPORT BY:** Head of Democratic Services

**SUBJECT:** Matters relating to Democratic Services issues

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**REPORT FOR:** Decision, Information and Discussion

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Extract Part 4 of report

#### 4. Public Participation at Council meetings – review of the trial

As a result of a motion and debate at Council on 20<sup>th</sup> January 2016 it was resolved:

1. to empower the Democratic Services Committee to look at ways in which public participation operates successfully across Wales.
2. to explore options for introducing public participation and make proposals aimed at introducing a system to allow members of the public to contribute in council meetings.

A review was undertaken of what happens in Councils in Wales and it was established that 11 of the 22 County Councils allow public questions at Council meetings. One authority also allows public questions at Cabinet meetings. Two of the three National Park Authorities [NPAs] allow public questions at authority meetings.

A draft protocol was developed and considered by Council in October 2016. Following debate and acknowledging some concerns, Council adopted the draft protocol and agreed that prior to its full implementation the protocol be trialled at one meeting of the Council on 26<sup>th</sup> January 2017 and then the draft protocol and process be reviewed by the DSC. The Protocol [**Appendix A**] and the information which was placed on the Council's website [**Appendix B**] are attached.

A press release was published on 15 December, 2016 and was used by all local papers (County Times, Mid Wales Journal & Brecon and Radnor) and local online news sites between 16 and 28 December, 2016. The release was made during this period as questions had to be submitted by 5 January, 2017. The issue was also promoted in the Leader's local newspaper column.

The public could submit questions in writing or via the email address [publicquestions@powys.gov.uk](mailto:publicquestions@powys.gov.uk). Via the email address one question was received for a Portfolio Holder and a response was provided in writing on the Council Agenda on 26<sup>th</sup> January, 2017. The Member of public, who submitted the question, attended the Council meeting and asked a supplementary question to which the Portfolio Holder provided a response. This individual

welcomed the opportunity to ask a question and was content with the process for submitting a question and the arrangements for attending the meeting.

As indicated above Council asked that the pilot be reviewed. During Council's debate on this issue in October 2016 the following comments/issues were raised – the comments following each are provided to assist the DSC in considering these:

- A number of members expressed concern that the range of people able to ask questions was too broad and that it should be limited to people living in Powys
  - the draft Protocol states: "...1.4 Any person (other than Members) who resides, works or studies in the area of the Council may ask a question of those listed under Rule 1.3...".
- Members also asked about the procedure for rejecting questions and for answering supplementary questions –
  - the draft Protocol states "... 1.7.1 The Chair of the Council may reject a question if it..." and identifies 14 reasons for rejecting a question. The Chair would discuss submitted questions with the Solicitor to the Council. The questioner would be advised whether the question was accepted and if it was on the next agenda or put onto a waiting list or whether it was rejected and the reason for this. The draft Protocol 1.17 – 1.26 refers to the process for Supplementary questions.
- Members did not want the system to discriminate against people who lived far from Llandrindod Wells and for every resident to have the opportunity to put a supplementary question whether or not they could attend the meeting.
  - The draft Protocol only allows for a questioner to ask a supplementary question if they attend the meeting. Therefore the Committee could consider whether it would accept a supplementary question, to be submitted via letter or email, once the Agenda has been published. This could be read out by an officer/or local member on behalf of the questioner at the Council meeting and for this to be answered by the relevant Member. As Council meetings are webcast the questioner, if they have access to the internet, could see the response to their supplementary question, without them needing to attend County Hall.

<b>RECOMMENDATION</b>	<b>Reason for Recommendation:</b>	
<b>That the Committee reviews the draft Protocol for Public Participation at Council meetings and recommends to Council whether or not such public participation should be adopted by the Council, subject to any further reviews.</b>	<b>To review the draft Protocol as required by Council taking into account the pilot undertaken in January 2017.</b>	
Contact Officer Name:	Tel:	Email:
Wyn Richards, Head of Democratic Services	01597 826375	Wyn.richards@powys.gov.uk

## Powys County Council – Protocol for Public Participation at Council Meetings

### Time Allocated for Supplementary Public Questions:

- 1.1 A maximum of 20 minutes will be allowed for the section of the agenda dealing with public questions during Ordinary Full Council meetings only.
- 1.2 The public question session will be undertaken as the first substantial item of business at the beginning of an Ordinary meeting of the Full Council.
- 1.3 Questions can only be addressed to the following:
  - (a) A Cabinet Member;
  - (b) A Chair of a Committee (excluding the Planning, Taxi Licensing and Rights of Way Committee and the Licensing Act 2003 Committee).
- 1.4 Any person (other than Members) who resides, works or studies in the area of the Council may ask a question of those listed under Rule 1.3 above at Ordinary Meetings of the Full Council.

### Public Consent:

- 1.5.1 As Full Council meetings are webcast and agendas of Council are open to the public (except for the consideration of confidential information), **any person submitting a question will (in submitting the question) be deemed to have given their consent to take part in a meeting which is being broadcast to the public and any information submitted will be made public on the Council's website.**
- 1.5.2 If the person submitting a question is under 18 years old, then the consent of a parent, guardian or any person with parental responsibility will be required for the person submitting a question to be able to attend the meeting which is being webcast.

### Notice and Number of Questions:

- 1.6.1 A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Solicitor to the Council by no later than 5pm, 10 Working Days before the day of the meeting. Each question must give the name and address of the questioner (otherwise it will be rejected) and must specify the person to whom it is to be put (by name or title). The name of the person only will be published on the agenda of the Council meeting. A guidance note will be available to assist requestors as to which Member(s) their question should be directed.
- 1.6.2 At any one Full Council meeting no person may submit more than 1 question. Each element of multi-part questions will be treated as a separate question.
- 1.6.3 A person may only submit 2 written questions in total during a Council year (May to April)
- 1.6.4 Where a question is accepted for inclusion on an agenda of a Full Council meeting, the requestor will be notified of the date and time that their question will be considered by the Full Council, and they will be invited to

attend that meeting. Expenses will not be paid to any requestor for attending a Council meeting.

### **Scope of Questions:**

1.7.1 The Chair of the Council may reject a question if it:

- (i) is not about a matter for which the County Council has responsibility / powers or duties or which affects the County; and / or
- (ii) is defamatory, frivolous or offensive; and / or
- (iii) is substantially the same as a question which has been considered at a meeting of the Council in the past six months (including questions raised by Members and answered); and / or
- (iv) requires the disclosure of confidential or exempt information; and / or
- (v) relates to a complaint (complaints should be presented through the Council's complaints procedure); and / or
- (vi) relates to a matter which is the subject of legal or enforcement proceedings or an appeal to a court or tribunal or to a Government Minister or the National Assembly or an investigation by the Local Government Ombudsman; and / or
- (vii) relates to a Regulatory Decision or a specific application for permission, a licence, consent, approval or registration, or any enforcement action relating to such a matter; and / or
- (viii) relates to a decision which has been made by the Council in exercise of its regulatory functions in respect of which there are legal rights of redress; and / or
- (ix) relates to the activities and aims of a political party or organisation; and / or
- (x) relates to an individual / group / business or the questioner's own particular circumstances (where the Council's complaints process should be utilised); and / or
- (xi) relates to the personal circumstances or conduct of any officer and Councillor or conditions of service of individual employees; and / or
- (xii) is a statement or otherwise and is not a genuine enquiry; and / or
- (xiii) would require the expenditure of a disproportionate amount of time, money or effort to prepare the answer; and / or
- (xiv) relates to a local matter that has no wider significance to the County, in which case the question will be forwarded to the local County Councillor.

- 1.7.2 The ruling of the Chair in the above matters shall be final.
- 1.7.3 Responses to rejected questions will be dealt with in accordance with Rule 1.12 below.

**Order of Questions:**

- 1.8 Questions will be asked in the order in which notice of them was received, except that the Chair may group together similar questions. The Chair has discretion to vary the order in which questions are asked.

**Recording of Questions:**

- 1.9 The Solicitor to the Council will make a record of each question received and a copy of the questions to be asked at a meeting will be open to public inspection and circulated to Members prior to the meeting.
- 1.10 A copy of the question will be sent to the Councillor to whom it is to be put.
- 1.11 A copy of the written response to the question submitted will be open to public inspection and circulated to Members prior to the meeting.
- 1.12 Rejected questions will not be open for inspection. The person whose question is rejected will be advised in writing of the decision to reject the question together with the reasons the question was rejected.
- 1.13 Any accepted questions which are not included on the next available Full Council agenda for consideration will be placed on the following available Full Council agenda unless the requestor has indicated that the question no longer needs to be asked.
- 1.14 All questions accepted will receive a written response whether the requestor attends a Full Council meeting or not. All questions receiving a response will be included in the calculation towards the total number of questions which can be asked in a year in Rule 1.6.3)

**Process for Initial Questions Submitted and Accepted:**

- 1.15 A question which has been submitted in writing will be recorded on the agenda together with a written response. Therefore there will be no requirement for the requestor to read out the question at the meeting or for the person responding to read out their response.
- 1.16 There will be no discussion / debate on any answer given.

**Process for Supplementary Public Questions at the Meeting:**

- 1.17 A questioner whose question is on the agenda may attend the meeting and also ask 1 supplementary question without notice to the Member who has replied to the original question.
- 1.18 Prior to asking the supplementary question, a person who has been invited to the meeting will sit in the public gallery until they are called by the Chair of the Council.
- 1.19 When invited by the Chair, the person to ask the supplementary question will move to the seat allocated for this purpose where a microphone will be available.
- 1.20 The maximum time limit for asking a supplementary question to be asked will be 1 minute.
- 1.21 A supplementary question must relate to the original question or the answer given, and the Chair may reject a supplementary question on any of

the grounds set out in Rule 1.7.1. However the supplementary question may require more than 1 Cabinet Member to respond where the question relates to multiple Portfolio Holder responsibilities.

- 1.22 The person responding to the supplementary question will have a maximum of 4 minutes to respond. If more than 1 Member responds to the question the Chair has discretion to extend the time taken for the response.
- 1.23 If the questioner is absent from the meeting then the original question and response will be noted and there will be no opportunity for the questioner to ask a supplementary question at a later time.
- 1.24 If the Councillor to whom the question has been put is unable to attend the meeting, the response to the supplementary question will be by means of a written answer.
- 1.25 Any supplementary question not asked because of insufficient time, will be answered in writing with a copy of the answer included in the minutes.
- 1.26 Once the person has completed their 1 supplementary question and received the response they will move to the public gallery or leave the meeting room.

**Answers:**

- 1.27 An answer may take the form of:
  - (i) A direct oral answer; or
  - (ii) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
  - (iii) Where a reply cannot conveniently be provided orally, a written answer circulated later to the questioner, with a copy of the response being circulated to all Councillors.
- 1.28 A person to whom a question is addressed may decline to answer provided that they state the reason for declining to answer.
- 1.29 There will be no discussion / debate on any answer given.

**Record of Debate:**

- 1.30 Questions asked under this protocol and the replies to the questions will be recorded in the minutes of the meeting.
- 1.31 The essence of supplementary questions and responses will be recorded but supplementary questions and answers do not have to be recorded verbatim.

## **Cyngor Sir Powys – Protocol ar gyfer Cyfranogiad y Cyhoedd yng Nghyfarfodydd y Cyngor.**

### **Amser ar gyfer Cwestiynau Atodol gan y Cyhoedd:**

- 1.1 Caniateir uchafswm o 20 munud ar gyfer y rhan o'r agenda sy'n delio â chwestiynau gan y cyhoedd yng nghyfarfodydd Llawn Cyffredin y Cyngor yn unig.
- 1.2 Cynhelir y sesiwn cwestiynau cyhoeddus fel yr eitem fusnes sylweddol lawn ar ddechrau cyfarfod Cyffredin o'r Cyngor Llawn.
- 1.3 Gellir cyfeirio cwestiynau i'r canlynol yn unig:
  - (a) Aelod o'r Cabinet;
  - (b) Cadeirydd Pwyllgor (ac eithrio'r Pwyllgor Cynllunio, Trwyddedu Tacsis a Hawliau Tramwy a Phwyllgor Deddf Drwyddedu 2003).
- 1.4 Gall unrhyw berson (ar wahân i Aelodau) sy'n byw, gweithio neu'n astudio yn ardal y Cyngor ofyn cwestiwn i'r rhai a restrir o dan Reol 1.3 uchod yng Nghyfarfodydd Cyffredin y Cyngor Llawn.

### **Cydsyniad y Cyhoedd:**

- 1.5.1 Oherwydd bod cyfarfodydd y Cyngor Llawn yn cael eu gwe-ddarlledu ac agendâu'r Cyngor ar gael i'r cyhoedd (ac eithrio wrth ystyried gwybodaeth gyfrinachol), **cymerir y bydd unrhyw berson sy'n cyflwyno cwestiwn (wrth gyflwyno'r cwestiwn) wedi cydsynio i gymryd rhan mewn cyfarfod sy'n cael ei we-ddarlledu i'r cyhoedd ac y bydd unrhyw wybodaeth a gyflwynir yn cael ei chyhoeddi ar wefan y Cyngor.**
- 1.5.2 Os yw'r person sy'n cyflwyno cwestiwn dan 18 oed, yna bydd angen i riant, gwarcheidwad, neu unrhyw un sydd â chyfrifoldeb rhiant dros y person sy'n cyflwyno'r cwestiwn, gydsynio iddynt fynychu'r cyfarfod sy'n cael ei we-ddarlledu.

### **Rhybudd a Nifer y Cwestiynau:**

- 1.6.1 Gellir ond gofyn cwestiwn lle mae rhybudd wedi'i gyflwyno naill ai'n ysgrifenedig drwy lythyr neu'n electronig drwy e-bost i Gyfreithiwr y Cyngor erbyn 5pm, deg Diwrnod Gwaith cyn diwrnod y cyfarfod fan bellaf. Rhaid i bob cwestiwn roi enw a chyfeiriad y sawl sy'n gofyn y cwestiwn (neu bydd yn cael ei wrthod) a rhaid iddo nodi'r person y gofynnir y cwestiwn iddynt (enw neu deitl). Dim ond enw'r person fydd yn cael ei gyhoeddi ar agenda cyfarfod y Cyngor. Bydd nodyn cyfarwyddyd ar gael i gynorthwyo cwestiynwyr ynghylch pa Aelod(au) y dylid cyfeirio eu cwestiwn atynt.
- 1.6.2 Mewn unrhyw gyfarfod o'r Cyngor Llawn, ni all person gyflwyno mwy nag un cwestiwn. Bydd pob elfen o gwestiynau amlran yn cael eu trin fel cwestiwn ar wahân.
- 1.6.3 Dim ond dau gwestiwn ysgrifenedig mewn un flwyddyn Gyngor (rhwng Mai ac Ebrill) y gall person ei gyflwyno.
- 1.6.4 Lle derbynnir cwestiwn i'w gynnwys ar agenda cyfarfod o'r Cyngor Llawn, bydd y cwestiwnwr yn cael ei hysbysu o'r dyddiad a'r amser y bydd y Cyngor Llawn yn ystyried eu cwestiwn, ac yn cael eu gwahodd i fynychu'r cyfarfod

hwnnw. Ni thelir costau i unrhyw gwestiynwr am fynychu unrhyw un o gyfarfodydd y Cyngor.

### **Cwmpas y Cwestiynau:**

1.7.1 Gall Cadeirydd y Cyngor wrthod cwestiwn os:

- (i) nad yw'n ymwneud â mater lle mae gan y Cyngor Sir gyfrifoldeb / pwerau neu ddyletswyddau drosto neu sy'n effeithio ar y Sir; a / neu
  - (ii) yw'n ddifriol, gwacsaw neu'n sarhaus; a / neu
  - (iii) yw'n fwy neu lai'r un fath â chwestiwn a ystyriwyd mewn cyfarfod o'r Cyngor yn y chwe mis blaenorol (gan gynnwys cwestiynau a godwyd gan Aelodau ac a atebwyd); a / neu
  - (iv) oes angen datgelu gwybodaeth gyfrinachol neu esempt; a / neu
  - (v) yw'n ymwneud â chwyn (dylid cyflwyno cwynion drwy weithdrefn gwynion y Cyngor); a / neu
  - (vi) yw'n ymwneud â mater sy'n destun achos cyfreithiol neu orfodaeth neu'n apel i lys neu dribiwnlys neu i Weinidog o'r Llywodraeth neu'r Cynulliad Cenedlaethol neu ymchwiliad gan yr Ombwdsmon Llywodraeth Leol; a / neu
  - (vii) yw'n ymwneud â Phenderfyniad Rheoliadol neu'n gais penodol am ganiatâd, trwydded, cydsyniad, cymeradwyaeth neu gofrestrriad, neu unrhyw gamau gorfodi'n ymwneud â mater o'r fath; a / neu
  - (viii) yw'n ymwneud â phenderfyniad a wnaed gan y Cyngor wrth ymarfer ei swyddogaethau rheoliadol a lle mae hawliau unioni cyfreithiol yn ei gyswllt; a / neu
  - (ix) yw'n ymwneud â gweithgareddau ac amcanion plaid neu fudiad gwleidyddol; a / neu
  - (x) yw'n ymwneud ag unigolyn / grŵp / busnes neu amgylchiadau penodol y cwestiynwr ei hun (lle dylid dilyn proses gwynion y Cyngor); a / neu
  - (xi) yw'n ymwneud ag amgylchiadau personol neu ymddygiad unrhyw swyddog a Chynghorydd neu amodau gwasanaeth gweithwyr unigol; a / neu
  - (xii) yw'n ddatganiad, neu fel arall, ac nid yn ymholiad gwirioneddol; a / neu
  - (xiii) byddai angen gwario swm anghymesur o amser, arian neu ymdrech yn paratoi'r ateb; a / neu
  - (xiv) yw'n ymwneud â mater lleol heb unrhyw arwyddocâd ehangach i'r Sir, lle byddai'r cwestiwn felly'n cael ei basio ymlaen i'r Cynghorydd Sir lleol.



- 1.7.2 Bydd penderfyniad y Cadeirydd yn y materion uchod yn derfynol.
- 1.7.3 Ymdrinnir ag atebion i gwestiynau a wrthodir yn unol â Rheol 1.12 isod.

### **Trefn y Cwestiynau:**

- 1.8 Bydd cwestiynau'n cael eu gofyn yn y drefn y derbyniwyd rhybudd ar eu cyfer, er bod y Cadeirydd yn gallu grwpio cwestiynau tebyg gyda'i gilydd. Mae gan y Cadeirydd ddisgresiwn i amrywio'r drefn y gofynnir cwestiynau.

### **Cofnodi Cwestiynau:**

- 1.9 Bydd Cyfreithiwr y Cyngor yn cofnodi pob cwestiwn a dderbynnir a bydd copi o'r cwestiynau sydd i'w gofyn mewn cyfarfod ar gael i'w archwilio gan y cyhoedd ac yn cael ei gylchredeg i'r Aelodau cyn y cyfarfod.
- 1.10 Bydd copi o'r cwestiwn yn cael ei anfon i'r Cynghorydd y gofynnir y cwestiwn iddynt.
- 1.11 Bydd copi o'r ateb ysgrifenedig i'r cwestiwn a gyflwynir ar gael i'w archwilio gan y cyhoedd ac yn cael ei gylchredeg i'r Aelodau cyn y cyfarfod.
- 1.12 Ni fydd cwestiynau a wrthodir ar gael i'w harchwilio. Hysbysir y person y gwrthodir eu cwestiwn yn ysgrifenedig o'r penderfyniad i wrthod y cwestiwn, gan roi'r rhesymau pam y gwrthodwyd y cwestiwn.
- 1.13 Bydd unrhyw gwestiynau a dderbynnir nad ydynt yn cael eu cynnwys ar agenda'r cyfarfod Cyngor Llawn nesaf am ystyriaeth yn cael eu rhoi ar agenda'r cyfarfod Cyngor Llawn nesaf oni bai fod y cwestiynwr wedi nodi nad oes angen gofyn y cwestiwn mwyach.
- 1.14 Bydd pob cwestiwn a dderbynnir yn derbyn ateb ysgrifenedig p'un ai y bydd y cwestiynwr yn mynychu cyfarfod y Cyngor Llawn neu beidio. Bydd pob cwestiwn sy'n derbyn ateb yn cael eu cynnwys yn y cyfrifiad tuag at gyfanswm y cwestiynau y gellir eu gofyn mewn blwyddyn o dan Reol 1.6.3.

### **Y Broses ar gyfer Cwestiynau Gwreiddiol a Gyflwynir ac a Dderbynnir:**

- 1.15 Bydd cwestiwn a gyflwynwyd yn ysgrifenedig yn cael ei gofnodi ar yr agenda ynghyd ag ateb ysgrifenedig. Felly ni fydd angen i'r cwestiynwr ddarllen y cwestiwn yn y cyfarfod, ac ni fydd raid i'r person sy'n ateb ddarllen eu hateb ychwaith.
- 1.16 Ni fydd unrhyw drafodaeth / dadl ar unrhyw ateb a roddir.

### **Y Broses i'r Cyhoedd gael gofyn Cwestiynau Atodol yn y Cyfarfod:**

- 1.17 Gall cwestiynwr gyda chwestiwn ar yr agenda fynychu'r cyfarfod a gall hefyd ofyn un cwestiwn atodol heb roi rhybudd i'r Aelod(au) wnaeth ateb y cwestiwn gwreiddiol.
- 1.18 Cyn gofyn y cwestiwn atodol, bydd y person sydd wedi'i wahodd i'r cyfarfod yn eistedd yn yr oriel gyhoeddus hyd nes y gelwir hwynt gan Gadeirydd y Cyngor.
- 1.19 Ar wahoddiad y Cadeirydd, bydd y person sydd am ofyn y cwestiwn hwn yn symud i'r sedd a neilltuwyd ar gyfer y pwrpas hwn, lle bydd microphoneffon ar gael.
- 1.20 Rhoddir dim mwy na munud ar gyfer gofyn cwestiwn atodol.
- 1.21 Rhaid i gwestiwn atodol ymwneud â'r cwestiwn gwreiddiol, neu'r ateb iddo, a gall y Cadeirydd wrthod cwestiwn atodol ar unrhyw un o'r seiliau a nodir yn Rheol 1.7.1. Fodd bynnag, efallai y bydd angen i fwy nag un Aelod o'r

Cabinet ateb y cwestiwn atodol lle mae'r cwestiwn yn ymwneud â chyfrifoldebau nifer o Ddalwyr Portffolio.

- 1.22 Bydd gan y person sy'n ateb y cwestiwn atodol bedwar munud ar y mwyaf i roi ateb. Os bydd mwy nag un Aelod yn ateb y cwestiwn, mae gan y Cadeirydd ddisgresiwn i roi mwy o amser i ymateb.
- 1.23 Os yw'r cwestiwnwr yn absennol o'r cyfarfod, bydd y cwestiwn gwreiddiol a'r ateb yn cael eu nodi a bydd cyfle i'r cwestiwnwr ofyn cwestiwn atodol rhywbryd eto.
- 1.24 Os nad yw'r Cynghorydd y gofynnir y cwestiwn iddynt yn gallu bod yn bresennol yn y cyfarfod, bydd yr ateb i'r cwestiwn atodol ar ffurf ateb ysgrifenedig.
- 1.25 Bydd unrhyw gwestiwn atodol na chaiff ei ofyn oherwydd prinder amser yn cael ei ateb yn ysgrifenedig gyda chopi o'r ateb yn cael ei gynnwys yn y cofnodion.
- 1.26 Unwaith y bydd y person wedi gorffen gofyn ei un cwestiwn atodol, a chael ateb, bydd yn symud i'r oriel gyhoeddus neu'n gadael yr ystafell gyfarfod.

**Atebion:**

1.27 Gall ateb fod ar ffurf:

- (i) Ateb llafar uniongyrchol; neu
- (ii) Lle mae'r wybodaeth sydd ei hangen mewn cyhoeddiad gan y Cyngor, neu mewn cyhoeddiad arall, drwy gyfeirio at y cyhoeddiad hwnnw; neu
- (iii) Lle nad yw rhoi ateb llafar yn gyfleus, drwy ateb ysgrifenedig wedi'i gylchredeg wedyn i'r cwestiwnwr gyda chopi o'r ateb yn cael ei gylchredeg i'r holl Gynghorwyr.

1.28 Gall person y gofynnir cwestiwn iddynt wrthod rhoi ateb ar yr amod eu bod yn rhoi rheswm dros wrthod ateb.

1.29 Ni fydd unrhyw drafodaeth / dadl ar unrhyw ateb a roddir.

**Cofnod o'r Drafodaeth:**

1.30 Bydd cwestiynau a ofynnir o dan y protocol hwn, a'r atebion iddynt, yn cael eu cofnodi yng nghofnodion y cyfarfod.

1.31 Bydd hanfod y cwestiynau atodol a'u hatebion yn cael ei gofnodi ond nid oes raid cofnodi cwestiynau atodol a'u hatebion air am air.

## Public Participation at Council meetings

Powys County Council has agreed to trial at its meeting on 26<sup>th</sup> January 2017 a section on the agenda for questions from members of the public.

If you are interested in putting a question to this Full Council meeting, please read the following information.

**Who can ask a question?** Anyone, other than a member of the Council, who lives, works or studies in the area of the Council may ask a question.

**I am under 18 years old, can I ask a question?** Yes, you can ask a question. **However**, your parent, guardian or any person with parental responsibility will need to give written consent for you to attend the meeting which is being webcast [see **Are meetings webcast?** below].

**Who can I put questions to?** Questions can only be made to:

- A Cabinet Member or
- A Chair of a Committee [excluding the Planning, Taxi Licensing and Rights of Way Committee and the Licensing Act 2003 Committee].

The names of the Members holding the above positions and their areas of responsibilities is detailed in Appendix 1 attached.

**How do I get a question onto the Agenda?** A question must be delivered by electronic mail or in writing to the Solicitor to the Council by no later than 5pm, 10 Working Days before the day of the Council meeting.

For the Council meeting on 26<sup>th</sup> January 2017 the deadline is therefore 5 p.m. on 11<sup>th</sup> January 2017. You must provide your name and address (otherwise your question will be rejected) and must say the person to whom it is to be put (by name or title). If you work or study in the County, but live outside it, please provide the name and address of your place of work or study [otherwise your question will be rejected].

The Email address is: [publicquestions@powys.gov.uk](mailto:publicquestions@powys.gov.uk)

The postal address is: Public Participation Scheme, Solicitor to the Council, Chief Executive Dept; County Hall, Spa Road East, Llandrindod Wells, Powys LD1 5LG

**How many questions can I ask?** At any one Full Council meeting you can only submit one question. Each element of multi-part questions will be treated as a separate question. During a Council year [May to April] any one person can only submit 2 written questions in total.

**Will a question be automatically accepted for inclusion on an agenda?** No, the Chair of Council may reject a question. Questions are restricted to matters relating to Powys and/or the services provided by the Council. Appendix 2 gives the reasons for rejecting a question. The ruling of the Chair in this matter is final. If your

question is rejected you will be advised in writing of this decision and the reason. Rejected questions will not be open for public inspection.

**Will I be told if my question is included on the agenda?** Yes, you will be advised that your question is on the Agenda and be told the date and time of the meeting. Your name will be published with your question. The response from the Member to whom the question was put will also be included on the Agenda. You will also be sent details of the procedures which will be followed at the Council meeting.

**Can I attend the meeting?** Yes, you can attend the meeting and will have the opportunity to ask a supplementary question, relating to your original question. A verbal response will be provided if possible. You will have a minute to ask the supplementary question and the member responding will have four minutes to answer.

**Will the Council pay my costs for attending?** The Council will not cover your costs for attending the meeting.

**What happens if the Council receives too many questions to include on an agenda?** Questions will be included on Full Council Agendas in the order in which they were received. However, the Chair may group together similar questions and has the discretion to vary the order in which they are asked.

A maximum of 4 questions will be included on an Agenda. If your question is accepted but not included on the next Full Council agenda, due to the number of accepted questions received, it will be placed on the following available Full Council agenda unless you indicate that the question no longer needs to be asked.

**How do I access the Agenda?** All Agendas are published on the Council website [www.powyscc.gov.uk](http://www.powyscc.gov.uk) or via the following link <http://powys.moderngov.co.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>

**Are meetings webcast?** Yes, all Council meetings are webcast. **You should note** that by submitting a question you will be deemed to have given your consent to take part in a meeting which is being webcast to the public and any information submitted will be made public on the Council's website.

**Where are Council meetings held?** Meetings are held at the Authority's Headquarters at County Hall, Spa Road East, Llandrindod Wells, Powys LD1 5LG

**Is there parking?** Parking is limited at County Hall, but there is parking available in car parks in the town or in the surrounding streets.

**I would like to speak in Welsh, can I do so?** Yes, the Authority welcomes speakers in English or Welsh. However, if you wish to speak in Welsh, please let us know when you submit your question. This will enable us to advise the translator for the meeting.

**Is there anything else I should tell you to assist you?:** If your question is included on an Agenda we will ask you if you have a disability which you think may affect your ability to access the meeting room etc, so that we can meet your individual needs.

## **Extract from Powys County Council – Protocol for Public Participation at Council Meetings [October 2016]**

### Reasons for rejecting questions

- 1.7.1 The Chair of the Council may reject a question if it:
- (xv) is not about a matter for which the County Council has responsibility / powers or duties or which affects the County; and / or
  - (xvi) is defamatory, frivolous or offensive; and / or
  - (xvii) is substantially the same as a question which has been considered at a meeting of the Council in the past six months (including questions raised by Members and answered); and / or
  - (xviii) requires the disclosure of confidential or exempt information; and / or
  - (xix) relates to a complaint (complaints should be presented through the Council's complaints procedure); and / or
  - (xx) relates to a matter which is the subject of legal or enforcement proceedings or an appeal to a court or tribunal or to a Government Minister or the National Assembly or an investigation by the Local Government Ombudsman; and / or
  - (xxi) relates to a Regulatory Decision or a specific application for permission, a licence, consent, approval or registration, or any enforcement action relating to such a matter; and / or
  - (xxii) relates to a decision which has been made by the Council in exercise of its regulatory functions in respect of which there are legal rights of redress; and / or
  - (xxiii) relates to the activities and aims of a political party or organisation; and / or
  - (xxiv) relates to an individual / group / business or the questioner's own particular circumstances (where the Council's complaints process should be utilised); and / or
  - (xxv) relates to the personal circumstances or conduct of any officer and Councillor or conditions of service of individual employees; and / or
  - (xxvi) is a statement or otherwise and is not a genuine enquiry; and / or
  - (xxvii) would require the expenditure of a disproportionate amount of time, money or effort to prepare the answer; and / or
  - (xxviii) relates to a local matter that has no wider significance to the County, in which case the question will be forwarded to the local County Councillor.
- 1.7.2 The ruling of the Chair in the above matters shall be final.

## **Cyfranogiad y Cyhoedd yng Nghyfarfodydd y Cyngor**

Yn ei gyfarfod ar 26 Ionawr 2017, mae Cyngor Sir Powys wedi cytuno i dreialu rhan ar yr agenda ar gyfer cwestiynau gan aelodau o'r cyhoedd.

Os oes gennych ddiddordeb mewn cyflwyno cwestiwn yn y cyfarfod hwn o'r Cyngor Llawn, dylech ddarllen y wybodaeth ganlynol.

**Pwy sy'n gallu gofyn cwestiwn?** Gall unrhyw un, heblaw aelod o'r Cyngor, sy'n byw, gweithio neu'n astudio yn ardal y Cyngor, ofyn cwestiwn.

**Rwyf o dan 18 oed, alla i ofyn cwestiwn?** Cewch, gallwch ofyn cwestiwn. **Fodd bynnag**, bydd angen i'ch rhiant, gwarcheidwad neu unrhyw berson gyda chyfrifoldeb rhiant, fod wedi rhoi caniatâd ysgrifenedig i chi fynychu'r cyfarfod sy'n cael ei weddarlledu [gweler **Ydy cyfarfodydd yn cael eu gwe-ddarlledu?** isod].

**I bwy alla i ofyn cwestiynau?** Gallwch ofyn cwestiynau dim ond i:

- Aelod o'r Cabinet; neu
- Cadeirydd Pwyllgor (ac eithrio'r Pwyllgor Cynllunio, Trwyddedu Tacsis a Hawliau Tramwy a Phwyllgor Deddf Drwyddedu 2003).

Mae enwau'r Aelodau sy'n dal y swyddi uchod, a'u cyfrifoldebau, yn Atodiad 1.

**Sut ydw i'n cael cwestiwn ar yr Agenda?** Rhaid i chi gyflwyno cwestiwn naill ai'n ysgrifenedig drwy lythyr neu drwy e-bost yn electronig i Gyfreithiwr y Cyngor erbyn 5pm, deg Diwrnod Gwaith cyn diwrnod y cyfarfod fan bellaf.

Ar gyfer cyfarfod y Cyngor ar 26 Ionawr 2017, y terfyn amser felly yw 5pm ar 11 Ionawr 2017. Rhaid i chi roi eich enw a'ch cyfeiriad (neu bydd eich cwestiwn yn cael ei wrthod fel arall) a rhaid i chi ddweud i bwy yr ydych yn gofyn y cwestiwn (enw neu deitl). Os ydych yn gweithio neu'n astudio yn y Sir, ond yn byw y tu allan i'r Sir, rhowch enw a chyfeiriad eich man gwaith neu astudiaeth [neu fel arall bydd eich cwestiwn yn cael ei wrthod].

Y cyfeiriad e-bost yw: [publicquestions@powys.gov.uk](mailto:publicquestions@powys.gov.uk)

Y cyfeiriad post yw: Cynllun Cyfranogiad Cyhoeddus, Gyfreithiwr y Cyngor, Adran y Prif Weithredwr, Neuadd y Sir, Llandrindod, Powys LD1 5LG.

**Faint o gwestiynau alla i ei ofyn?** Dim ond un cwestiwn y gallwch ei ofyn mewn unrhyw gyfarfod o'r Cyngor Llawn. Bydd pob elfen o gwestiynau aml-ran yn cael eu trin fel cwestiwn ar wahân. Yn ystod blwyddyn Gyngor [Mai i Ebrill] dim ond dau gwestiwn ysgrifenedig y gall un person ei ofyn.

## **A fydd cwestiwn yn cael ei dderbyn yn awtomatig i'w gynnwys ar yr agenda?**

Na fydd, gall Cadeirydd y Cyngor wrthod cwestiwn. Cyfyngir cwestiynau i faterion sy'n ymwneud â Phowys a / neu'r gwasanaethau sy'n cael eu darparu gan y Cyngor. Mae Atodiad 2 yn rhoi'r rhesymau dros wrthod cwestiwn. Mae penderfyniad y Cadeirydd ar y mater yn derfynol. Os gwrthodir eich cwestiwn byddwch yn cael gwybod drwy lythyr o'r penderfyniad hwn a'r rheswm drosto. Ni fydd cwestiynau a wrthodir ar gael i'w harchwilio gan y cyhoedd.

**A fyddaf yn cael gwybod os bydd fy nghwestiwn ar yr agenda?** Byddwch, cewch wybod y bydd eich cwestiwn ar yr Agenda ynghyd â dyddiad ac amser y cyfarfod. Bydd eich enw'n cael ei gyhoeddi gyda'ch cwestiwn. Bydd ymateb yr Aelod y gofynnir y cwestiwn iddynt hefyd yn cael ei gynnwys ar yr Agenda. Byddwn hefyd yn anfon y manylion am y gweithdrefnau sydd i'w dilyn yng nghyfarfod y Cyngor atoch.

**Alla i fynychu'r cyfarfod?** Gallwch, gallwch fynychu'r cyfarfod a bydd gennych gyfle i ofyn cwestiwn atodol sy'n berthnasol i'ch cwestiwn gwreiddiol. Bydd ateb llafar yn cael ei roi lle bo hynny'n bosib. Bydd gennych funud i ofyn y cwestiwn atodol a bydd gan yr Aelod sy'n ymateb bedwar munud i ateb.

**A fydd y Cyngor yn talu fy nghostau am fynychu?** Na, ni fydd y Cyngor yn talu am eich costau am fynychu'r cyfarfod.

**Beth sy'n digwydd os yw'r Cyngor yn derbyn gormod o gwestiynau i'w cynnwys ar agenda?** Bydd cwestiynau'n cael eu cynnwys ar agenda'r Cyngor Llawn yn y drefn y cawsant eu derbyn, er gall y Cadeirydd grwpio cwestiynau tebyg gyda'i gilydd gyda disgresiwn hefyd i amrywio'r drefn y gofynnir cwestiynau.

Bydd uchafswm o bedwar cwestiwn yn cael eu cynnwys ar Agenda. Os derbynir eich cwestiwn ond nid yw'n cael ei gynnwys ar agenda'r Cyngor Llawn nesaf, oherwydd nifer y cwestiynau derbyniol a ddaeth i law, fe'i rhoddir ar agenda'r Cyngor Llawn nesaf oni fyddwch yn dweud nad oes angen gofyn y cwestiwn mwyach.

**Sut ydw i'n cael gafael ar yr Agenda?** Cyhoeddir pob Agenda ar wefan y Cyngor yn [www.powyscc.gov.uk](http://www.powyscc.gov.uk) neu drwy'r ddolen ganlynol  
<http://powys.moderngov.co.uk/mgCalendarMonthView.aspx?GL=1&bcr=1&LLL=1>

**Ydy cyfarfodydd yn cael eu gwe-ddarlledu?** Ydynt, mae pob cyfarfod o'r Cyngor yn cael ei we-ddarlledu. **Dylech nodi** drwy gyflwyno cwestiwn y cymerwn y byddwch wedi rhoi eich caniatâd i gymryd rhan mewn cyfarfod sy'n cael ei we-ddarlledu i'r cyhoedd ac y bydd unrhyw wybodaeth a gyflwynir yn cael ei chyhoeddi ar wefan y Cyngor.

**Lle y cynhelir cyfarfodydd y Cyngor?** Cynhelir y cyfarfodydd ym Mhencadlys yr Awdurdod yn Neuadd y Sir, Llandrindod, Powys LD1 5LG.

**A oes lle parcio?** Mae parcio'n brin yn Neuadd y Sir ond mae lle parcio ar gael ym meysydd parcio'r dref neu yn y strydoedd cyfagos.

**Hoffwn siarad yn Gymraeg, alla i wneud hynny?** Cewch, mae'r Awdurdod yn croesawu siarad yn Gymraeg neu yn Saesneg. Fodd bynnag, os ydych am siarad yn Gymraeg, a fydddech gystal â rhoi gwybod i ni wrth gyflwyno eich cwestiwn. Byddwn yna'n gallu rhoi gwybod i gyfieithydd y cyfarfod.

**A oes unrhyw beth arall y dylwn sôn wrthyach amdano i'ch helpu?** Os bydd eich cwestiwn ar yr Agenda, byddwn yn gofyn i chi a oes gennych anabledd a allai effeithio ar eich gallu i gyrraedd yr ystafell gyfarfod etc, fel y gallwn ateb eich anghenion.

Mae'r Protocol ar gyfer Cyfranogiad y Cyhoedd yng Nghyfarfodydd y Cyngor ar gael ar wefan y Cyngor

## Dyfyniad o Brothocol Cyngor Sir Powys ar Gyfranogiad y Cyhoedd yng Nghyfarfodydd y Cyngor [Hydref 2016]

### Rhesymau dros wrthod cwestiynau

#### 1.7.1 Gall Cadeirydd y Cyngor wrthod cwestiwn os:

- (xxix) nad yw'n ymwneud â mater lle mae gan y Cyngor Sir gyfrifoldeb / pwerau neu ddyletswyddau drosto neu sy'n effeithio ar y Sir; a / neu
- (xxx) yw'n ddifrifol, gwacsaw neu'n sarhaus; a / neu
- (xxxix) yw'n fwy neu lai'r un fath â chwestiwn a ystyriwyd mewn cyfarfod o'r Cyngor yn y chwe mis blaenorol (gan gynnwys cwestiynau a godwyd gan Aelodau ac a atebwyd); a / neu
- (xxxii)oes angen datgelu gwybodaeth gyfrinachol neu esempt; a / neu
- (xxxiii) yw'n ymwneud â chwyn (dylid cyflwyno cwynion drwy weithdrefn gwynion y Cyngor); a / neu
- (xxxiv) yw'n ymwneud â mater sy'n destun achos cyfreithiol neu orfodaeth neu'n apel i lys neu driwlynlys neu i Weinidog o'r Llywodraeth neu'r Cynulliad Cenedlaethol neu ymchwiliad gan yr Ombwdsmon Llywodraeth Leol; a / neu
- (xxxv) yw'n ymwneud â Phenderfyniad Rheoliadol neu gais penodol am ganiatâd, trwydded, cydsyniad, cymeradwyaeth neu gofrestrriad, neu unrhyw gamau gorfodi'n ymwneud â mater o'r fath; a / neu
- (xxxvi) yw'n ymwneud â phenderfyniad a wnaed gan y Cyngor wrth ymarfer ei swyddogaethau rheoliadol a lle mae hawliau unioni cyfreithiol yn ei gyswllt; a / neu
- (xxxvii) yw'n ymwneud â gweithgareddau ac amcanion plaid neu fudiad gwleidyddol; a / neu
- (xxxviii) yw'n ymwneud ag unigolyn / grŵp / busnes neu amgylchiadau penodol y cwestiynwr ei hun (lle dylid dilyn proses gwynion y Cyngor); a / neu
- (xxxix) yw'n ymwneud ag amgylchiadau personol neu ymddygiad unrhyw swyddog a Chynghorydd neu amodau gwasanaeth gweithwyr unigol; a / neu
- (xl) yw'n ddatganiad, neu fel arall, ac nid yn ymholiad gwirioneddol; a / neu
- (xli) byddai angen gwario swm anghymesur o amser, arian neu ymdrech yn paratoi'r ateb; a / neu
- (xlii) yw'n ymwneud â mater lleol heb unrhyw arwyddocad ehangach i'r Sir, lle byddai'r cwestiwn felly'n cael ei basio ymlaen i'r Cynghorydd Sir lleol.

#### 1.7.2 Bydd penderfyniad y Cadeirydd yn y materion uchod yn derfynol.