

CYNGOR SIR POWYS COUNTY COUNCIL

County Council

11 July 2019

REPORT AUTHOR: Democratic Services Committee

SUBJECT: Recommendations from the Democratic Services Committee: Public questions to the County Council

REPORT FOR: Decision

1. The Democratic Services Committee [DSC], at its meeting in January 2019 reviewed the Public questions to Council, as requested by Council in July 2017. It was noted that members of the public, who had participated, were asked for their comments. The following link is to the DSC agenda - the report and associated papers are Item 4 on the agenda:
[Agenda for Democratic Services Committee on Monday, 21st January, 2019, 10.00 am Cyngor Sir Powys County Council](#)
2. The Committee noted the positive comments from participants. However, the Committee made the following comments:
 - some responses to questions are very short and responses need to be such that they assist in the management of expectations,
 - the process used by other Councils should be reviewed again, as they may have developed their processes etc. since the original review in 2016,
 - the role of the local member should be considered,
 - an analysis of the age, locality etc. of questioners should be included in the questionnaire sent to them after the Council meeting and
 - some Members feel that the questions from the public are given a higher status than questions from Members.

The Committee agreed that the above would be taken into account as part of its ongoing review of the process. The Committee also discussed whether the public should have the opportunity to submit questions direct to Cabinet meetings and considered that extending public participation in this way required discussion with the Cabinet, prior to the development of a process and consideration by Council.
3. At recent Council meetings, a number of questions have been received on similar subjects/topics. The receipt of such questions could restrict the subjects/topics considered by Council and not reflect the range of services provided by the Council. The Committee on 29 April 2019 reviewed paragraph 1.7.1 "Reasons for rejecting questions", in light of recent questions received [Appendix A extract from the Protocol].
4. The DSC recommends the following amendment [shown in red] to 1.7.1 (iii):
(iii) is substantially the same as a question / **issue** which has been considered **at two meetings** of the Council in the past six months (including questions raised by Members and answered).

RECOMMENDED TO FULL COUNCIL THAT	Reason for Recommendation:
<ol style="list-style-type: none"> 1. the Public Participation in Council meetings continues, 2. that paragraph 1.7.1 (iii) is amended to: “is substantially the same as a question / issue which has been considered at two meetings of the Council in the past six months (including questions raised by Members and answered)” 3. that officers review the information relating to the scheme and the process for involvement and 4. that the Democratic Services Committee monitors the use of the scheme on an ongoing basis and undertake reviews, as required, with the possibility of extending public participation to Cabinet meetings. 	<p>To provide the public with an opportunity to put questions to Council.</p>

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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:
- (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.