

Appendix 2 – Extract from Council Procedure Rules

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Bromsgrove District Council

Procedure Rules - Extract

8. Public Participation at Council Meetings

What is included

- 8.1 The agenda for each ordinary meeting of the Council will include a period of up to 15 minutes for members of the public to put comments about matters in the agenda and/or questions to the Council and to present petitions. The Chairman of the Council may agree to allow a similar arrangement at Extraordinary meetings of the Council.
- 8.2 The Chairman of the Council will have complete discretion as to how public participation is conducted and may agree to extend the time available under exceptional circumstances.
- 8.3 Comments, questions or petitions must be about matters for which the Council is responsible or which affect the District. The Council will not consider comments, questions or petitions that relate to specific planning or licensing matters. Neither will it consider matters which are confidential or exempt.
- 8.4 The Monitoring Officer may reject any comments, questions or petitions that:

- relate to national issues and would have no more effect on the District of Bromsgrove than on any other area;
- relate to actions or statements made by a body or individual connected with the District of Bromsgrove, but those actions or statements are not specifically related to the District;

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- are, or appear to be, defamatory, racist or contain offensive language, or are otherwise not appropriate for consideration at a Council meeting;
- are substantially the same as a question that has been put to a meeting of the Council in the last 6 months;
- would more appropriately be considered at a meeting of the Cabinet or a Committee, in which case the request to participate will be passed to the relevant body.

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- 8.5 Members of the public do not include:

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- Employees of the Council or their representatives, on any matter relating to their employment;
- Any applicants for, or recipients of, approvals, permissions or licenses;
- Any person in a contractual relationship with the Council on a matter relating to that contract;
- Councillors from a Local Authority on a matter concerning that local authority.
- Political parties or persons asking question on behalf of a political party.
For the purposes of this section a political party is an organisation that has been registered as such by the Electoral Commission.

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How to Apply

8.6 A copy of the comment, question or terms of petitions must be provided to the Monitoring Officer by 12 noon seven clear working days prior to but not including the date of the meeting (.). This may be in writing or by e-mail and should include:

- The name of the person to whom it is addressed – at the meeting this will go to the Chairman in the first instance;
- The name and address of the person submitting it;
- In the case of petitions, the number of signatories with their names and addresses supplied.

8.7 The Chairman has discretion to allow a question and/or comment from a member of the public received after the deadline in exceptional circumstances.

At the Meeting

8.8 A member of the public may spend up to 3 minutes to:

- (a) Present a petition and explain its purpose;
- (b) Ask a question, or
- (c) make a comment on a matter on the agenda

Members of the public who register to participate in a meeting of Council under the rules set out in this section can do so using one of the three options below:-

- By attending in person and addressing the committee verbally;
- By joining the meeting virtually by video link and addressing the committee verbally; or
- By providing a written statement in advance of the meeting to be read out by an officer.

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- 8.9 A petition may be presented to the Council by a Councillor acting on his/her own behalf or on behalf of members of the public.
- 8.10 The Chairman will receive a petition. If the petition relates to a matter on the agenda for the meeting it may be referred to during the debate on that item. Usually a petition will be received without comment at the meeting but the Chairman will ensure it is responded to as quickly as possible.
- 8.11 A question should be addressed to the Chairman of the Council who may reply in one of the following ways:
- (a) An oral answer;
 - (b) By asking the Leader or another Councillor to reply, either orally or in writing;
 - (c) By asking an Officer to reply in writing;
 - (d) By referring to information in a publication;
 - (e) A written answer following the meeting, a copy of which will be published on the Council's website and included with the signed minutes of the Council meeting.
- 8.12 No response will be given to a comment under this item but it may be referred to during the debate on the relevant item.

9. Questions from Councillors at Council Meetings

- 9.1 A Councillor may ask the Leader or the Chairman of a Committee any question without notice on an item of the minutes and/or any report of the Cabinet or Committee when that item is being received or considered by the Council.

Questions on Notice

- 9.2 A Councillor may ask:
- The Chairman;
 - A member of the Cabinet;
 - The Chairman of any Committee or Sub-Committee

a question on any matter to which the Council, Cabinet, Committee or sub-committee has powers or duties or which affects the District of Bromsgrove.

[The Councillor who has been asked the question may, if appropriate, refer it to another Councillor for answer.](#)

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A question shall not be regarded as affecting the District of Bromsgrove

(a) If it is one which relates to national issues and would have no more effect on the District of Bromsgrove than it would on any other area*.

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(b) If it relates to actions or statements made by a body or individual connected with the District of Bromsgrove, but those actions or statements are not specifically related to the ~~Borough~~District*.

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The content of the question should comply with Procedure rule 9.8 – Content

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Deadline for Questions

- 9.3 The deadline for questions to be received by the Monitoring Officer is 12 noon, seven clear working days prior to but not including the date of the meeting
- 9.4 A question must be submitted in writing.
- 9.5 If a question relates to an urgent matter, the Councillor should obtain the permission of the Chairman and submit the question to the Monitoring Officer not less than 2 hours before the start of the meeting at which it will be asked.

Content

- 9.6 The Monitoring Officer may reject a question if:

(a) It is not about a matter for which the local authority has responsibility or which affects the District of Bromsgrove*.

(b)

~~(a)~~(c) it is defamatory, frivolous or offensive,

~~(b)~~(d) it is substantially the same as one submitted within the previous six months;

~~(c)~~(e) it asks the Council about a matter which is outside the powers or responsibility of the full Council;

~~(d)~~(f) it relates to a specific planning or licensing matter;

~~(e)~~(g) it does not relate to functions undertaken by the Council;

~~(f)~~(h) It could be dealt with more appropriately by an officer.

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At the meeting

- 9.7 The question will be read out at the meeting by the Councillor who has asked it or by another Councillor on his/her behalf.
- 9.8 The answer may be given as:
- (a) A direct oral answer;
 - (b) A reference to information contained in a publication; or
 - (c) Where the answer cannot conveniently be given orally, a written answer, circulated to the questioner at the latest with the minutes of the Council meeting and appended to the signed copy of the minutes.
- 9.9 The Councillor who has been asked the question may, if appropriate, refer it to another member to answer.
- 9.10 Every question shall be put and answered without discussion.

Supplementary Questions

- 9.11 A Member asking a question under rule 9.2 may, without notice, ask one supplementary question of the member to whom the first question was addressed. The supplementary question must arise directly out of the original question or the reply.

Time limit

- 9.12 At each meeting a maximum of 15 minutes will be allowed for the asking and answering of questions under this procedure rule.
- 9.13 The Chairman may at his/her discretion extend the time if s/he and the majority of those present agree.
- 9.14 Any questions that remain unanswered shall be dealt with at the next ordinary meeting of the Council in the order in which they were received, unless the Councillor who gave notice of it agrees to receive the answer in writing.

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10 Motions on Notice at Council Meetings

- 10.1 Any Councillor may give notice of not more than one Motion for consideration at any meeting of the Council.

Deadline for Motions

- 10.2 Notices of Motion must be submitted to the Monitoring Officer by 12 noon seven clear working days, prior to but not including the date of the meeting
- 10.3 A Motion must be submitted in writing.

Urgent Notice of Motion

- 10.4 If a Motion relates to an urgent matter and otherwise complies with the requirements set out in this procedure rule, the Councillor submitting it should obtain the permission of the Chairman and submit the Motion to the Monitoring Officer not less than 24 hours before the start of the meeting at which it will be moved.

Content

- 10.5 The Notice must contain a written notice of the motion;
- 10.6 Motions must be about matters for which the Council is responsible or which affect the District.

A motion shall not be regarded as affecting the District of Bromsgrove if

(a) it is one which relates to national issues and would have no more effect on the District of Bromsgrove than it would on any other area*;

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(b) it relates to actions or statements made by a body or individual connected with the District of Bromsgrove, but those actions or statements are not specifically related to the District*.

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- 10.7 The Monitoring Officer may reject a Notice of Motion if:

(a) the scope of the motion exceeds that set out in Rule 10.6 above;

(b) it is defamatory, frivolous or offensive,

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~~(b)~~(c) it is substantially the same as one submitted within the previous six months;

- (c) it requests the Council to make a decision which is outside the powers or responsibility of the full Council;
- (d) it is not of a strategic nature;
- (e) it does not relate to functions undertaken by the Council.

At the meeting – Proposal and Withdrawal of Motion

- 10.8 The Motion can be moved by the Signatory to the Notice or another Councillor on their behalf.
- 10.9 If a Motion is not moved at a Council meeting, it will lapse and can only be moved again if Notice is given in accordance with these procedure rules.

Deferment of Motions

- 10.10 If, having taken advice from the Chief Executive and Monitoring Officer, the Chairman considers that the Motion should be dealt with in conjunction with a report from an Officer, the Motion will be deferred until this can be arranged.
- 10.11 No Motion shall be deferred for longer than one Ordinary meeting of the Council. The Chairman will inform the Council under his/her Announcements of any such deferrals.

Referral of Motions

- 10.12 If a Notice of Motion relates to an Executive function and is proposed and seconded, the Council may discuss the matter in order to inform the Cabinet's consideration of it. It cannot decide the matter.
- 10.13 Motions which relate to matters reserved to the Council or to non-Executive functions may be debated and decided by the Council.
- 10.14 If the motion is not debated, it will be referred to the Cabinet or appropriate body to consider and report back to the Council with recommendations on how to proceed.
- 10.15 If a Motion is referred to the Cabinet or another Committee for consideration, then the Proposer of the Motion will be invited to attend the relevant meeting when it is discussed to introduce and speak to it.

Time Limit for Motions on Notice

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- 10.16 At each meeting up to one hour shall be allowed for consideration of all Motions on Notice. This may only be exceeded with the agreement of the Council.
- 10.17 At the end of the hour – or other time period if agreed by the Council – the Chairman will ask the Councillor speaking to conclude immediately.
- (a) If the speaker is proposing the motion then it can be formally seconded without comment;
 - (b) If the speaker is moving an amendment, the Chairman will allow the amendment to be formally seconded, without comment, and the mover of the motion to exercise their right of reply;
 - (c) If neither (a) nor (b) then the mover of the motion will be allowed to have their right of reply for up to 5 minutes.
- 10.18 The Chairman will put to the vote, without further discussion, all questions necessary to dispose of the motion being debated and put the Motion to the vote.
- 10.19 If as a result of reaching the time limit a motion is not moved by either the Councillor who gave notice or another Councillor on their behalf, it shall be either:
- (a) treated as withdrawn and cannot be moved without fresh notice, although it will not be restricted by the 6 month rule set out at Procedure rule 6; or
 - (b) with the consent of the Council, be postponed until the next Ordinary meeting.